

Report to the Los Angeles City Ethics Commission on
apparent violations of LAMC 49.5.5 by LAPD Officers
Bryan Lium, Marla Ciuffetelli, and LAPD Civilian
staffer Lizabeth Rhodes

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1 Synopsis

1. Bryan Lium and Marla Ciuffetelli are in charge of the Public Records Unit of the Los Angeles Police Department. Each of them from time to time interferes in the normal procedures to expedite the processing of records requests from professional journalists. This creates a private advantage for reporters who benefit from it. It also constitutes a misuse of position since the CPRA specifically forbids consideration of the requester's intended use of the records in determining how to handle the request. Thus these practices violate LAMC 49.5.5.
2. Lium and Ciuffetelli also interfere in the normal procedures to obstruct and/or deny requesters access to records of whom they disapprove, thus misusing their positions to create private disadvantages for them. This practice also violates LAMC 49.5.5.
3. Lizabeth Rhodes is the director of LAPD's Office of Constitutional Policing. She investigated a complaint about these and other LAPD policies and reported her findings to the Police Commission. Her conclusion, that the complaint was unfounded, relies on dishonest methods, misrepresentation, and unsupported false assumptions. She had and has reason to know that in fact the complaint was accurate. These actions created a private disadvantage to the requesters because they contributed to their complaint being ignored. They're also a misuse of Rhodes's position and therefore a violation of LAMC 49.5.5.

2 Laws, policies, and rules

4. The Los Angeles Police Department Manual at [Volume 3 §406.30](#) states in part that:

The Department is committed to upholding the right of the public to access records and information concerning the conduct of the people's business consistent with the Constitution of the State of California and the California Public Records Act (CPRA). The Department recognizes its obligation to comply with the CPRA, to facilitate public records access, and to promote a culture of transparency and accountability. Pursuant to the CPRA, Government Code Sections 6250 - 6257, all Department records are public records and shall be disclosed to the public, upon request, unless there is a specific legal basis not to do so.

See [Exhibit 2](#) on page 38.

5. The Los Angeles Police Department Manual at [Volume 3 §406.30](#) states in part that:

A Department employee who willfully withholds Department records or information relating to a CPRA request or willfully violates any other obligation under this policy may be subject to discipline.

See [Exhibit 2](#) on page 38.

6. The Los Angeles Municipal Code at [§49.5.5\(A\)](#) states in part that:

City officials, agency employees, ... shall not misuse or attempt to misuse their positions ... to create or attempt to create a private advantage or disadvantage, financial or otherwise, for any person.

7. The California Public Records Act² (“CPRA”) requires local government agencies to provide copies of records to any person on request.³ It requires records to be made available “promptly”.⁴ It prohibits agencies from “delay[ing] or obstruct[ing]” access to records.⁵ Finally, the CPRA “does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.”⁶
8. The California Public Records Act requires agencies to respond to a request within 10 days of receipt. This 10 day period may be extended under certain enumerated “unusual circumstances” for an extra 14 days. These circumstances include “The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.”⁷
9. The California State Constitution at [Article I textsection3\(b\)\(1\)](#) states:

The people have the right of access to information concerning the conduct of the peoples business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

10. The California State Constitution at [Article I §3\(b\)\(7\)](#) states in pertinent part:

In order to ensure public access to the meetings of public bodies and the writings of public officials and agencies, as specified in paragraph (1), each local agency is hereby required to comply with the California Public Records Act...

3 Background

11. Bryan Lium is the commanding officer of LAPD’s Legal Affairs Division (“LAD”). His serial number is 32466.
12. Marla Ciuffetelli is the Officer in Charge (“OIC”) of LAD’s Discovery Section (“Discovery”). Her serial number is 34964. Ciuffetelli was formerly a California attorney with State Bar number #192603, although her license has lapsed.

² [California Government Code textsection6250 et seq.](#)

³ [At §6253\(a\).](#)

⁴ [At §6253\(b\).](#)

⁵ [At §6253\(d\).](#)

⁶ [At §6257.5.](#)

⁷ [At §6253\(c\).](#)

13. As OIC of Discovery Ciuffetelli oversees LAPD's California Public Records Act ("CPRA") Unit.
14. Ciuffetelli was appointed OIC of Discovery in July 2020. Brian O'Connor was Ciuffetelli's predecessor.
15. Lizabeth Rhodes is the director of LAPD's Office of Constitutional Policing and Policy ("OCP"). Rhodes is a licensed California attorney with state bar number #155299.
16. Richard Tefank is the executive director of the Los Angeles Police Commission.
17. NextRequest ("NR") is a web application that LAPD uses to receive and process CPRA requests. LAPD is able to include notes and subject tags on requests received through NR and, if desired, to make them invisible to the public, including the requester.
18. Stop LAPD Spying is a local activist organization in Los Angeles. Hamid Khan is a member of Stop LAPD Spying.
19. MichaelKohlhaas.Org is a local blog covering Los Angeles Municipal Politics. Adrian Riskin is the primary author of the blog.⁸
20. KCET is a local Los Angeles television station.
21. [Aura Bogado](#) is a nationally known journalist.

4 Facts

4.1 Aura Bogado's June 3, 2020 CPRA request to LAPD

22. On June 3, 2020 Aura Bogado submitted [CPRA request 20-3431](#) to LAPD via NR asking for text messages sent or received either by LAPD Chief Michel Moore or by Commissioners during the June 2, 2020 meeting of the Los Angeles Police Commission ("Bogado Request"). See [Exhibit 3](#) on page 40 below.
23. On June 5, 2020 at 4:45 P.M. Bryan Lium emailed Richard Tefank about the Bogado Request asking him to begin collecting responsive records from the Commissioners (see [Exhibit 4](#) on page 44 below):

Mr. Tefank,

Please find attached my desk note with additional information. Please call me on my cell ■■■■■■■■■■ at your convenience to discuss. I know this is going to be challenging with the Commissioners working remotely during this pandemic .

Thank you for your help

⁸ And of this complaint.

Bryan

24. The multi-page “desk note” that Lium refers to contains detailed instructions to Tefank on what to ask the Commissioners for, how they should provide copies of the requested material, and so on. The tone is both professional and respectful. This desk note appears as [Exhibit 5](#) on page [46](#) below.
25. Thirty minutes later, at 5:15 P.M., Lium emailed Tefank again, asking him to call his cell phone. At 6:01 P.M. Lium emailed Tefank yet again (see [Exhibit 6](#) and [Exhibit 7](#) below on pages [49](#) and [51](#) respectively):

Mr. Tefank,

Thanks again for jumping on this CPRA request. Once you have surveyed all the Commissioners if they have responsive records or not just an email from you on your findings would be much appreciated.

Bryan

26. On June 15, 2020 Lium followed up again ([Exhibit 8](#) on page [53](#)):

Good morning Mr. Tefank,

So following up on our CPRA request for the Commissioners text message activity during the last meeting. I believe you have relayed to me that;

Eileen Decker has none

Stever Soboroff has none

Dale Bonner has none

Shane Murphy Goldsmith we have not heard back yet?

(Sandra Figueroa-Villas was not present)

Please confirm?

Thanks

Bryan

27. Two weeks later, on June 29, 2020, LAPD’s CPRA unit released responsive records to Bogado. See [Exhibit 3](#) on page [40](#) below.

4.2 Denise Chan’s June 11, 2020 CPRA request to LAPD

28. On June 11, 2020 Denise Chan, a journalist at PBS, submitted [CPRA Request NR 20-3691](#) to LAPD, asking for information about civilians who serve on LAPD boards of rights. See [Exhibit 9](#) on page 55 below.
29. NR allows LAPD staff to apply “tags” to requests. These are arbitrary identifiers⁹ that allow requests to be sorted in various ways. Immediately on receipt of Chan’s request the LAPD intake analyst added three tags: **LAPD: Other**, **LAPD: CPRA (non-SB1421)**, and **LAPD: Media**. Again see [Exhibit 9](#), in particular page 8 in the internal document numbering.
30. On June 11, 2020 Brian O’Connor was added to the request as support staff.¹⁰ See [Exhibit 9](#), in particular page 7-8 in the internal document numbering.
31. On June 13, 2020 LAPD senior analyst Alexis¹¹ added the tag **LAPD: CAT-2** to Chan’s request. See [Exhibit 9](#), in particular page 7 in the internal document numbering.
32. Also on June 13, 2020 Alexis assigned the request to analyst Vanessa¹² and added a message reading:

Vanessa,

This is another request for BOR information. At our next CPRA staff meeting, please brief everyone on Boards of Rights records, contact info, whats available, etc.

See [Exhibit 9](#), in particular page 7 in the internal document numbering.

33. On July 15, 2020 Marla Ciuffetelli, who had at this point replaced Brian O’Connor as OIC of LAD Discovery, emailed Richard Tefank to ask about the status of Chan’s request:

Mr. Tefank,

I apologize for any confusion, and perhaps I should introduce myself. I have recently been assigned as the OIC of the Discovery Section over here at Legal Affairs Division. Lt. O’Connor, although currently on vacation, remains in the Division but is transferring over to my previous assignment at Employment Litigation. Hopefully there won’t be too much havoc and confusion during out [textitsic] transition!

⁹ “Arbitrary” in the sense that they can be invented at will by users rather than being predetermined by the software developers.

¹⁰ Recall that O’Connor was OIC of LAD Discovery, and therefore the CPRA unit, during June 2020. He was succeeded in July 2020 by Marla Ciufetteli.

¹¹ Analysts are identified in requests only by first name and serial number. Alexis’s is N1685.

¹² Serial number N6613.

At any rate, I wanted to reach out to you to see if there was any update on the CPRA request for the resumes of the Civilian board members. Debra Gonzales provided an opinion to Lt. O'Connor that they were not exempt in totality, but that certain personal information could be redacted out. I am in the office the rest of the week and available to speak to you at any time that is convenient for you. And I believe Debra would be available as well to explain how she arrived at her opinion. Please let me know if you ever have any questions and concerns, and again I'm so sorry about the late introduction!

Marla

See [Exhibit 10](#) on page 65.

34. On July 24, 2020 Ciuffetelli again emailed Tefank regarding Chan's request, stating:

Mr. Tefank,

Thank you again for the resumes you sent earlier for BOR civilian participants. It appears that Eleanor Montano's was not included and I was wondering if you would be able to forward that one. Also, the request asks for resumes of applicants as well. Is it possible for you to send us the resumes of all of those who applied to be on the BORs from 2000 to present? Thank you so much.

Marla

See [Exhibit 11](#) on page 67.

35. On July 30, 2020 Ciuffetelli again emailed Tefank regarding Chan's request, stating:

Hi Mr. Tefank,

I'm just checking in to see if you were ever able to speak to Debra about the request for resumes for the applicants? Also if you were able to find anything on Eleanor Montana?

Thanks,

Marla

See [Exhibit 12](#) on page 69.

36. On August 5, 2020 Ciuffetelli again emailed Tefank regarding Chan's request. She informed him that the records were ready for release and asked if he would like to review the material again before it was published. See [Exhibit 13](#) on page 71 below.

37. Tefank responded immediately, asking Ciuffetelli “Who is the requester?” She replied, stating:

I’m sorry I was clear as mud in my last email! This is the old request that we already have (NR 20-3691) for the resumes for BOR civilians. The requester is Denise Chan from KCET/PBS. These are the resumes that you already provided us, in redacted form. We are not providing resumes of the applicants who were not selected based on the advice that you received from Debra, but these are the resumes that you already provided us.

See [Exhibit 14](#) on page 73.

38. On August 6, 2020 LAPD Discovery produced records responsive to Chan’s request by uploading them to the NextRequest platform. See [Exhibit 15](#) on page 76.

4.3 My July 9, 2020 CPRA request to LAPD

39. On July 9, 2020, inspired by Aura Bogado’s successful request, I asked LAPD for similar records using similar wording and similarly (and accurately) identifying myself as a member of the media. This request is [NR 20-4496](#). See [Exhibit 16](#) on page 79 below.
40. Immediately after I filed this request the LAPD intake analyst added the following tags: **LAPD: Other**, **LAPD: High Priority**, **LAPD: High Profile**, and **LAPD: CPRA (non-SB1421)**. Again, see [Exhibit 16](#) on page 79 below, in particular see page 4 in the internal document numbering. On July 23, 2020 LAPD informed me that there were no responsive records and closed the request.
41. On July 23, 2020 I filed a followup request asking for the same material but different dates. This request was labeled [NR 20-4926](#). See [Exhibit 17](#) on page 85 below. I do not have a copy of this request that shows the tags added.
42. On July 24, Ciuffetelli emailed Tefank about request 20-4926, stating:

Mr. Tefank,

I hope you are well. We have received another CPRA request for texts received and sent by BOPC during all BOPC meetings in 2020. Also, any communications with the COP via any “chat” platform during these meetings. It is the same requester as the last CPRA request, and he is a chronic requester, so I anticipate we can continue to see more of these.

See [Exhibit 18](#) on page 88.

4.4 Marla Ciuffetelli's Discovery Weekly Report for August 15 – 21

43. Ciuffetelli's report on Discovery Unit's activities for the week of August 15 includes a section at the very top entitled:

Summary of High Profile/Chronic CPRA Requests

- *One request from Chronic requester A. Riskin*

See [Exhibit 19](#) on page 91.

44. Below that item the report contains four bulleted items:

- Request 20-5733 received on 8/18 seeks records related to robbery of “Eden the Doll” Eden Estrada who was robbed on Hollywood Blvd on 8/16. She is a transgender model/ internet influencer. Requester Louise Griffin NFI.
- Request 20-5690 received 8/16 seeks all SWAT policies, training and after action reports from May 15 and June 2017 SWAT shootings. Requester Trevor Yaremko NFI.
- Request 20-5796 received 8/19 seeks records of intelligence information compiled by “Public Disorder Intelligence Division” from 1983. Requester Arasod Hupana (aka A. Riskin)
- Request 20-5781 received 8/19 seeks complete roster of all SWAT members; annual salaries for past 3 years; Sgt. Tim Colomey's annual salary and OT for past 3 years. Requester Kevin Rector LA Times.

4.5 Stop LAPD Spying's September 5, 2019 CPRA request to LAPD

45. On September 5, 2019 at 9:57 PM Hamid Khan of Stop LAPD Spying submitted CPRA request [NR 19-4995](#) to LAPD via NR.
46. On September 12, 2019 LAPD changed the due date of NR 19-4995 from September 16, 2019 to September 30, 2019. See [Exhibit 20](#) on page 93.
47. On August 31, 2020 Khan wrote to Richard Tefank, LAPD Chief Michel Moore, and others criticizing LAPD's processing of this request. Tefank forwarded Khan's email to Brian Lium, who responded:

All,

LAD has received and we will review with the City Attorneys. He has multiple massive requests we are working on... We have to balance his requests with the rest of the journalist and other citizens that have requests that need to be filled also.

Bryan

See [Exhibit 21](#) on page 95.

48. At the October 9, 2020 meeting of the Los Angeles Police Commission Khan spoke critically during public comment about the accuracy and pace of LAPD's work on this request.

4.5.1 Lizabeth Rhodes' "Badge Note" regarding NR 19-4995

49. According to Lizabeth Rhodes:

In response to public comments made by Hamed [*sic*] Khan during a recent BOPC meeting, a review was conducted of Mr. Khan's open requests to assess the work that had been done and to address his concerns.

See [Exhibit 22](#) on page 98. In particular see page 4 in the internal document numbering.

50. At the October 27, 2020 meeting of the Police Commission, according to Khan, footnote Quoted by Rhodes. Commission President Eileen Decker "shared LAPD's response" to his earlier complaints. This prompted Rhodes to write a so-called "Badge Note" to Richard Tefank with subject "Mr. Hamid Khan's CPRA Requests." See [Exhibit 22](#) on page 98. All further references to the "Badge Note" or the "Note" refer to this Exhibit.

51. In the "Badge Note" Rhodes characterized Stop LAPD Spying's requests as follows:

Since approximately 2018, Hamid Kahn has made 18 requests, but due to their complexity, if each part of his requests were treated as separate CPRA requests, they would amount to over 230 requests. In the same period of time the CPRA Unit has received approximately 9000 requests. Thus, if his multi-part requests were considered individually this one requester would account for approximately 2.5 percent of all requests received.

52. In the "Badge Note" Rhodes described the CPRA Unit's progress on NR 19-4995 as follows:

It was a ten-part complex request on social media/technologies. There have been multiple downloads [*sic*]¹³ of documents and as of October 28, 2020, the total number of pages provided to Mr. Khan that are responsive to this request is approximately 1,535 pages.

53. In the "Badge Note" Rhodes stated that "The CPRA unit's goal is to facilitate the Department's efforts for transparency and to provide quality service to all CPRA requesters."

¹³ Rhodes almost certainly means "uploads" rather than "downloads." She is describing the number of files produced by LAPD to Khan via NR. Files are produced on NR by the responding agency, in this case LAPD, transferring the files to NR's servers. The process of putting files on a server is called "uploading." After the responding agency uploads the files the requester can then transfer them from the server to some local device. The process of transferring files from a server to a local device is called "downloading." Rhodes makes this error consistently in the Note.

54. In the “Badge Note” Rhodes stated that:

The unit has closed ten of Mr. Khan’s requests and are actively working the eight open requests. The CPRA staff has downloaded [*sic*] approximately 629 total document files, for an approximate total of 12,732 pages of responsive documents dots

55. Regarding LAPD’s initial release of records responsive to NR 19-4995 Rhodes stated that:

Documents were obtained and reviewed and on February 12, 2020, ten documents (some consisting of multiple pages) were released.

56. Regarding the CPRA Unit’s work, Rhodes stated that “An Analyst can review approximately 1500 pages of documents in a 10-hour work shift.”

4.5.2 Records released by LAPD on February 12, 2020 in response to NR 19-4995

57. On February 12, 2020 LAPD released 11 files for [NR 19-4995](#). These were:

- (a) SMALL UNMANNED AERIAL SYSTEMS ONE.pdf
- (b) OCOP_SO_2_2017.pdf
- (c) OCOP_Notice_03-12-2015.pdf
- (d) MohlerEtAl-2015-JASA-Predictive-InPress.pdf
- (e) LAPDin2020_COP.pdf
- (f) Final_CPO_70_190000451455_1_PROC_CPO.pdf
- (g) COMBINED FILES.pdf
- (h) 1 Final Program Narrative Body Worn Video.pdf
- (i) NR#19-4995 Response Letter 021220.pdf
- (j) 1a Program Narrative NIJ BWV Grant App MG CDU 042114.pdf
- (k) NR#19-4995 Response Letter 021220.pdf

See [Exhibit 23](#) on page 106.¹⁴

58. Items [57i](#) and [57k](#) are files whose identical names suggest that rather than being responsive records they are in fact LAPD responses to the request.¹⁵ Thus on February 12, 2020 LAPD apparently produced 9 documents in response to this request.

¹⁴ I didn’t include the entire text of NR 19-4995 as an exhibit since it’s available on the web, it’s very long, and most of it isn’t relevant here. I included the history items immediately before and immediately after February 12, 2020 for context but struck them out gently in the Exhibit.

¹⁵ Neither seems to be available for public download from LAPD’s NR site presently so it’s not possible for me to check if this is correct.

4.5.3 Metadata

59. I'm not including evidence for the following statements because it's too far afield. The [Wikipedia article on metadata](#) is a good reference.
60. "Metadata" is information about computer files that's embedded in the files themselves. It's distinct from "data", which in this context means the content of the file. For instance, an image file contains the image, which is the data. It also often contains information about the date/time the picture was taken, the camera used, and so on. That's the metadata.
61. Some metadata is added to the file by the software used to create the file. For instance the camera app on a phone not only creates the image file but it also writes camera information to the file. Some metadata is added to the file by the computer operating system ("OS") of the device the file is stored on. For instance, when moving an image file from phone to desktop computer the OS of the desktop writes information about the owner of the file, its permissions,¹⁶ and the date and time the file was saved or modified by the computer.
62. Metadata can be read from files by software tools. One such program, that reads both kinds of metadata, is called "Exiftool". Exiftool's output prepends the word "File" to metadata fields that were added by the OS rather than by the software that created the file.
63. One such metadata field is "File Modification Date/Time", which is when the file was last modified by the OS or saved if never modified.¹⁷

4.5.4 The File metadata of the nine files produced by LAPD on February 12, 2020

64. The nine files produced by LAPD in response to Stop LAPD Spying's NR 19-4995 contain the following metadata:

File name	File Modification Date/Time
1a Program Narrative NIJ BWV Grant App MG CDU 042114.pdf	2019:11:13 10:56:20-08:00
1 Final Program Narrative Body Worn Video.pdf	2020:02:12 15:27:54-08:00
COMBINED FILES.pdf	2019:09:19 07:37:28-07:00
Final_CPO_70_190000451455_1_PROC_CPO.pdf	2019:11:13 10:46:57-08:00
LAPDin2020_COP.pdf	2019:11:13 10:46:58-08:00
MohlerEtAl-2015-JASA-Predictive-InPress.pdf	2019:11:13 10:46:58-08:00
OCOP_Notice_03-12-2015.pdf	2020:02:12 15:09:50-08:00
OCOP_SO_2_2017.pdf	2019:11:13 10:45:33-08:00
OSO_Notice_10-30-2017.pdf	2019:11:13 10:45:33-08:00

¹⁶ For instance whether the file is read only or writeable or whether it's allowed to be executed as a program.

¹⁷ I don't know if these are universal across operating systems. Both NextRequest and I use Linux, and the statement is accurate for these files.

See [Exhibit 24](#) on page 108 for the complete metadata for each of the nine files. I extracted this using Exiftool as described above in [Section 4.5.3](#).

65. To summarize, these nine files were uploaded by LAPD to NR storage on three different dates, as shown:

Date Uploaded to NR	Number of files
September 19, 2019	1
November 13, 2019	6
February 12, 2020	2

66. Here are the numbers of pages of each file along with the numbers of redactions:

File name	textbfNo. pages	textbfNo. redactions
1a Program Narrative NIJ BWV Grant App MG CDU 042114.pdf	33	0
1 Final Program Narrative Body Worn Video.pdf	34	0
COMBINED FILES.pdf	192	0
Final_CPO_70_190000451455_1_PROC_CPO.pdf	3	0
LAPDin2020_COP.pdf	68	0
MohlerEtAl-2015-JASA-Predictive-InPress.pdf	30	0
OCOP_Notice_03-12-2015.pdf	10	0
OCOP_SO_2.2017.pdf	5	0
OSO_Notice_10-30-2017.pdf	1	0
Total	376	0

5 Conclusions

5.1 Misuse of position and the CPRA

67. The LAPD Department manual states explicitly that “The Department recognizes its obligation to comply with the CPRA.” See [Paragraph 4](#) on page 5 about.
68. The LAPD manual states explicitly that a Department employee who “willfully violates any other obligation under this policy may be subject to discipline.” See [Paragraph 5](#) on page 5 above.
69. Therefore CPRA compliance is an obligation under the policy and so employees who willfully violate the CPRA may be subject to discipline.
70. If an employee may be subject to discipline as a result of carrying out an action then carrying out the action must be a misuse of the employee’s position.
71. There’s an unstated assumption here, namely that LAPD employees are not hired for the purpose of carrying out actions which may subject them to discipline. I think it’s reasonable to assume this is true for purposes of this complaint because irrespective of LAPD’s intentions, it’s clear that that’s not why the City funds LAPD.
72. Therefore LAPD employees who violate the CPRA are misusing their positions.

5.2 Bryan Lium violated LAMC 49.5.5

5.2.1 Aura Bogado

5.2.1.1 Lium created a private advantage for Bogado

73. Because Aura Bogado is a professional journalist it is to her advantage to have comparatively rapid access to exclusive source material.
74. As shown above in [Section 4.1](#) Bryan Lium wrote repeatedly to Richard Tefank encouraging him to produce records in response to Bogado's June 3, 2020 request for Michel Moore's text messages.
75. Lium's repeated interventions resulted in LAPD producing Bogado's records on June 26, barely more than three weeks after her request was made. Again, see [Section 4.1](#) above.
76. For obvious reasons there is no evidence of the fact that Lium never does this for other requesters. However, I have personally read close to 10,000 emails of Richard Tefank's emails from 2018 through 2021 and have seen none reflecting Lium's attempt to do anything similar.
77. Therefore Lium created an advantage for Bogado by assisting her in getting unusually rapid access to records she requested.
78. This advantage was private in the sense that Lium created it for Bogado but never creates similar advantages for other CPRA requesters.

5.2.1.2 Lium misused his position to do so

79. As described above in [Paragraph 7](#) on page 6, the CPRA "does not allow limitations on access to a public record based on the purpose for which the record is being requested."
80. The act of facilitating unusually rapid access to certain public records based on the purpose for which they're being requested necessarily creates a limitation on access to the universe of public records requested for other purposes which don't trigger the unusually rapid access.
81. Therefore if Lium facilitated Bogado's request for any reason related to Bogado's purpose in requesting he violated the CPRA to create the private advantage described above in [Section 5.2.1.1](#).
82. There are no possible reasons for Lium to have facilitated Bogado's request which aren't related to Bogado's purpose in requesting the records.
83. Therefore Lium's facilitation of Bogado's request violated the CPRA, and therefore as discussed above in [Section 5.1](#) constituted a misuse of his position.

5.2.2 Stop LAPD Spying

5.2.2.1 Lium attempted to create private disadvantages for Stop LAPD Spying

5.2.2.1.1 Signaling that delay is acceptable

84. As shown above in [Paragraph 45](#) on page 12, Hamid Khan complained about LAPD's handling of one of Stop LAPD Spying's CPRA requests ("the Khan letter").
85. As shown above in [Paragraph 47](#) on page 12, Bryan Lium wrote to Richard Tefank downplaying the significance of Khan's complaints.
86. By comparing the dismissive tone used by Lium in his response to the Khan letter with the enthusiastic and encouraging tone of his many, many emails regarding the Bogado request it's clear that the subtext of the first email is that it is acceptable to continue to ignore Khan's concerns.
87. The fact that Lium believed that sending many positive emails to Tefank about the Bogado request would lead to its rapid completion follows from the fact that he sent them and that they did lead to its rapid completion. If he didn't expect the effect to follow there's no reason for him to have sent the emails.
88. Since Lium believed that sending positive emails could speed up request completion he must also believe that sending negative emails could delay completion.
89. Therefore Lium's response to the Khan letter is an attempt to create a disadvantage for Stop LAPD Spying.
90. This disadvantage is private because Lium typically doesn't write anything to Tefank about individual CPRA requests. That he did so here shows, like it did with Bogado's request, that there's something particular about the request or the requester that led Lium to act, and that makes the disadvantage a private one.

5.2.2.2 Lium misused his position to do so

91. *Mutatis mutandis* the argument here is the same as the argument in [Section 5.2.1.2](#) that Lium misused his position to expedite the Bogado request.
92. There's no plausible reason for seeking to delay Stop LAPD Spying's access to records that's not based on their purpose in requesting them. This violates the CPRA, and so, as argued above in [Section 7](#) on page 6, constitutes a misuse of Lium's position.

5.3 Marla Ciuffetelli violated LAMC 49.5.5

5.3.1 Marla Ciuffetelli created or attempted to create both private advantages and private disadvantages

5.3.1.1 A private advantage for Denise Chan

93. As shown above in [Section 4.2](#), Ciuffetelli repeatedly emailed Richard Tefank about the status of Chan’s CPRA request, repeatedly mentioning Chan’s employer, PBS. Furthermore, Ciuffetelli’s subordinates tagged Chan’s request as **LAPD: Media**, indicating that the source of the request was relevant to its handling.
94. Ciuffetelli’s sustained communications with Tefank about Chan’s request resulted in responsive records being produced in fewer than two months. See [Paragraph 38](#) on page 11.
95. As argued above in [Section 5.2.1.1](#) on page 17, it is to the advantage of a professional journalist such as Chan to have exclusive rapid access to sources, including public records.
96. Again, it’s not possible to prove that Ciuffetelli doesn’t make such efforts for other requesters, but again, I’ve read many thousands of Richard Tefank’s emails and I’ve never seen another example of her doing so. Thus the advantage to Chan created by Ciuffetelli was a private advantage.

5.3.1.2 A private disadvantage for Adrian Riskin

97. As shown above in [Section 4.3](#), Ciuffetelli emailed Tefank about my request. In her communications she spoke disparagingly to Tefank of my requests in comparison with her tone regarding Chan’s request.
98. As shown above in the same section Ciuffetelli either created or inherited and maintains a system of assigning labels to various categories of requesters. As shown above in [Paragraph 42](#), she has labeled me “a chronic requester” and has created or inherited and maintains a NextRequest tag that she uses to single out my requests.
99. It may be thought that Ciuffetelli promoted Chan’s request, as I argued above in [Section 5.3.1.1](#) that she did, but that she treated my request the same as all other non-Chan requests. This is not the case, though, as I’ve seen no communication between her and Tefank about requests other than mine and Chan’s. If her handling of my request were the same as the handling of the hundreds of other requests processed by Ciuffetelli there would have to be more such communication.
100. Thus taking the average requests that Ciuffetelli didn’t bother discussing with Tefank as a baseline it’s apparent that she handles my requests in a manner that’s disadvantageous compared to this baseline, which shows that the disadvantage she attempted to create for me was a private one.¹⁸

5.3.2 Marla Ciuffetelli misused her position to do so

101. *Mutatis mutandis* the argument here is the same as the argument in [Section 5.2.1.2](#) that Lium misused his position to expedite the Bogado request.

¹⁸ I’m only claiming that Ciuffetelli attempted to create the disadvantage because I have no evidence that Tefank was influenced by her attempt. I have some evidence that he was not. However, the law doesn’t require her to succeed in her attempts to have been violated.

5.4 Lizabeth Rhodes violated LAMC 49.5.5

5.4.1 Rhodes created or attempted to create a disadvantage for Stop LAPD Spying

102. The facts given above in [Section 4.5.1](#) are circumstantial evidence for the conclusion that Rhodes’s “Badge Note” to Tefank was meant to provide a defense to Hamid Khan’s allegations that LAPD was violating the CPRA with respect to NR 19-4995.
103. These facts are circumstantial evidence for the conclusion that Rhodes meant Tefank to use the content of the Badge Note to convince the Police Commission that Khan’s allegations were unfounded.
104. Note that Rhodes states that her Badge Note was written to describe her purposeful investigation into Khan’s complaints. Because her investigation was purposely directed at understanding this subject it’s reasonable to hold her accountable for knowing publicly and widely available facts on the subject. See [Paragraph 49](#) above.

5.4.1.1 Rhodes’s dishonest method of counting requests

5.4.1.1.1 Rhodes counts 18 requests as 230 when it serves her narrative

105. Rhodes claims that Khan’s requests are complex and contain multiple parts. On this ground she asserts that Stop LAPD Spying’s 18 requests are actually the equivalent of 230 requests and should be measured that way. See [Section 51](#) on page 13 above.
106. This claim is unverifiable and unfounded. Rhodes doesn’t define a standardized measure of a single request anywhere. Indeed, such a thing is impossible to define given the unknowable factors that determine how much work a given request will take to fulfill.
107. However it turns out that the number of parts in a CPRA request, regardless of how “parts” are defined or how many or few there are, doesn’t affect an agency’s obligations to the requester.¹⁹
108. Since there is no substantial difference in the CPRA’s compliance requirements between making one request with 230 parts and 230 requests with one part each Rhodes’s method of counting and elaboration can’t possibly have a substantial influence on the Police Commission’s findings on Khan’s complaint.
109. As shown above in [Paragraph 15](#) Rhodes is a licensed California attorney and therefore can be assumed to be able to understand the CPRA as well as the fact that the number of requests at stake is irrelevant. Therefore Rhodes’s purpose in making this statement could not reasonably have been calculated to inform the Commission of the law’s requirements.

¹⁹ See [Appendix 7](#) for my reasoning.

110. It's much more likely that Rhodes intended her deceptive reasoning to create the impression that LAPD was in fact complying with the law with respect to Stop LAPD Spying's request.

5.4.1.1.2 Rhodes counts the same 230 requests as 18 when it serves her narrative

111. As noted above in [Paragraph 8](#) the only authorized reason to delay responding to a request for more than 10 days that might conceivably apply to NR 19-4995 is “[t]he need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.”
112. This must be claimed by an agency within the initial ten day period. LAPD received NR 19-4995 on September 5, 2019 at almost 10 PM. They counted it as received on September 6, 2019 and set the due date to September 16 as the law requires. On September 12, 2019 LAPD announced that it was extending the response date to September 30, 2019. Although I am not able to see the full text of the request the fact that LAPD reset the due date to precisely 24 days after the date of receipt suggests strongly that they invoked the unusual circumstances extension. The “voluminous amount of ... records that are demanded in a single requests” language is the only reason that might apply.
113. But if 18 requests are really 230, then one request is on average 12.7 requests. The fourteen day extension clearly doesn't apply to 12.7 requests treated as one, or the drafters would not have included “a single request” among the criteria. If agencies could decide to group requests together to qualify for the 14 days and then split them apart for the purpose of scheduling production then the 14 day extension would apply to every request and the 10 day deadline would be meaningless.
114. Note that I think a fourteen day extension in this case is perfectly justified. What's not even justifiable is Rhodes characterizing this request as 12.7 requests while LAPD was at the same time relying for compliance on its being a single request.
115. As I stated above in [Paragraph 104](#), the fact that Rhodes's job was to investigate is sufficient reason to hold her responsible for knowing facts like this.

5.4.1.2 Rhodes's dishonest characterizations of LAPD's pace of production

5.4.1.2.1 NR 19-4995

116. Rhodes stated that at the time she was writing in October 2020 LAPD had produced about 1500 PDF pages to Khan in response to NR 19-4995. She made this statement in support of her claim that LAPD is complying with the law with respect to Stop LAPD Spying's CPRA requests. See [Paragraph 52](#) above.

117. Rhodes went on to describe the production schedule for NR 19-4995 in detail. According to her the first production of documents was on February 12, 2020, consisting, she said, of ten files. In fact there were only nine files released that day. See [Section 4.5.2](#) on page 14 above.
118. These nine documents comprised 376 pages and required no redactions at all. See [Paragraph 66](#) above.
119. The document metadata for these nine files shows that all but two of them had been uploaded to NR and reviewed by November 13, 2019. Those seven files comprised 332 pages. On February 12, 2020 LAPD uploaded two more files comprising 44 pages and released them to the requester. See [Section 4.5.4](#) above on page 15.
120. These facts contradict Rhodes's conclusion that LAPD is complying with the CPRA. There was no reason to hold those seven files back for three months. According to Rhodes it would take an LAPD CPRA analyst about 2 hours and 12 minutes to review 332 pages, so they spent no more than about 43 minutes per month reviewing them. See [Paragraph 56](#) above.

5.4.1.2.2 Rhodes misrepresented the proportion of LAPD Discovery's time spent on Stop LAPD Spying

121. Rhodes stated that at the time she was writing in October 2020 LAPD had produced 12,372 pages since 2018 in response to Stop LAPD Spying's CPRA requests. See [Paragraph 54](#) above.
122. Rhodes stated that an LAPD CPRA analyst can process about 150 pages per hour. See [Paragraph 56](#) above.
123. Thus between 2018 and October 2020 LAPD had spent about 85 hours on Stop LAPD Spying's requests. I can't determine the date of Stop LAPD Spying's first request, but even if we assume this is a two year span LAPD is spending about 0.85 hours, which is 51 minutes, per week on Stop LAPD Spying's requests.
124. Rhodes estimates that, using her inaccurate method of counting 230 distinct requests from Stop LAPD Spying, that they're responsible for about 2.5% of the 9000 requests LAPD had received in the same time span. See [Paragraph 51](#) above.
125. Over two years, then, we can conclude that 85 hours is about 2.5% of the total time spent by LAPD filling CPRA requests. And 85 is 2.5% of 3400. There are about a hundred work weeks in two years, so according to Rhodes, the entire LAPD Discovery unit spent about 34 hours per week filling CPRA requests.
126. I don't know how to tell how many employees there are, but I know that there are at least eight, of whom at least six are analysts. Assuming only analysts review records Rhodes is committed to the completely implausible claim that each analyst spends less than six hours per week reviewing and redacting.

127. It is implausible that Discovery analysts are only working six hours per week. The only plausible conclusion is that they're working more normal hours and spending proportionately far less time on Stop LAPD Spying's requests than others.
128. For instance, assuming LAPD has six CPRA analysts working on average 40 hours per week per analyst. That's 240 hours per week total. Stop LAPD spying gets 0.85 hours of it on Rhodes's own evidence. Thus LAPD spends no more than 0.35% of their time working on Stop LAPD Spying's requests even though by Rhodes's calculation they're responsible for 2.5% of the requests.
129. Thus LAPD Discovery devotes only 14% of the time to Stop LAPD Discovery's requests that they would devote if they were treating all requesters equally. This is approximately 528% more time used for other requesters' requests even after correcting for the proportions.

5.4.1.3 Where's the disadvantage

130. A Police Commission finding that LAPD was handling Stop LAPD Spying's requests would disadvantage them by normalizing and entrenching LAPD's practice of ignoring, delaying, and otherwise mishandling their requests for records.
131. The purpose of Rhodes's letter is to provide cover for the Police Commission to find that LAPD is handing Stop LAPD Spying's requests properly.
132. Clearly Rhodes knows that if she succeeds then Stop LAPD Spying will be disadvantaged. Therefore letter to the Police Commission was an attempt to create a disadvantage for them.

5.4.2 The disadvantage that Rhodes attempted to create for Stop LAPD Spying is a private one

133. I showed above in [Section 5.4.1.2](#) on page 21 that LAPD spends an average of 51 minutes per week on Stop LAPD Spying's requests.
134. Rhodes stated that LAPD received about 9000 CPRA requests between 2018 and October 2020. I don't know the actual time span but if we call it two years that's about 90 requests per week total.
135. Rhodes has stated that Stop LAPD Spying has submitted the equivalent of 230 requests, which is about 2.3 requests per week over the same span.
136. LAPD Discovery has at least 6 CPRA analysts, who work about 240 hours per week. They spend 51 minutes of that on Stop LAPD Spying, leaving 239 hours and 9 minutes for the other 87.7 requests. That comes to

$$\frac{\frac{51}{60}}{2.3} = 0.37 \frac{hrs}{req} = 22.2 \frac{mins}{req}$$

for Stop LAPD Spying and

$$\frac{239 + \frac{9}{60}}{87.7} = 2.73 \frac{hrs}{req} = 163.8 \frac{mins}{req}$$

for other requesters.

137. This means that on average LAPD spends 141.6 more minutes on each request from another requester than they do for each Stop LAPD Spying request. Put another way, LAPD spends 638% more time on each request from someone other than Stop LAPD Spying than they do on each request that organization submits.
138. Delay or denial of access to records is a disadvantage. The policy Rhodes is defending disadvantages Stop LAPD Spying much more than it does the public in general, which is why this disadvantage is private.

5.4.3 Rhodes misused her position to do so

139. *Mutatis mutandis* the argument in [Section 5.2.1.2](#) that Lium misused his position to expedite the Bogado request applies to Rhodes as well.

6 Requested Action

140. I ask that the Ethics Commission investigate this matter and, if appropriate, institute proceedings, whether civil, criminal, or both, against Lium, Ciuffetelli, and/or Rhodes as authorized by [LAMC 49.5.16](#).
141. I ask that if the Ethics Commission declines to file civil actions against one or more of the respondents to this complaint I be informed per the requirements of LAMC 49.5.16(B)(3).

7 Appendix A – The number of requests filed by a requester is irrelevant.

142. Denote by Σ the “naive criterion” whereby a single request is a request designated by the requester as a single request irrespective of the number of parts.
143. If R is a request and S is any set of criteria for determining the number of standardized single requests a request is equivalent to denote the number of standardized single requests equivalent to R according to S by $S(R)$.
144. Note that $\Sigma(R) = 1$ for all possible requests R .
145. Let S denote the criterion proposed by Rhodes in her Badge note. That is, let $S(R)$ be the number of parts contained in R .²⁰
146. On receipt of request R the plain language of the CPRA requires a response in 10 days to each of the $S(R)$ single requests involved, just as it does for $S(R)$ distinct requests $R_1, R_2, \dots, R_{S(R)}$ received at the same time.²¹
147. Each of Stop LAPD Spying’s requests might be equivalent to half a request or half a million requests but LAPD must respond within 10 days²² regardless.
148. Reasonable production times aren’t judged by the number of requests or the number of parts of a request involved but rather by the number of responsive records across all parts, and probably even across all pending requests.
149. Therefore there’s no distinction in the CPRA’s requirements for responding to R regardless of the value of $S(R)$.
150. The CPRA famously does not contain a deadline for producing records. Therefore the value of $S(R)$ can’t affect production speed.
151. Thus from the requester’s point of view it’s impossible to distinguish between S and Σ .
152. The CPRA only constrains the actions of responding agencies. It imposes nothing on the requester. Therefore compliance is measured only by the agency’s actions as they affect the requester’s access to records.
153. Since the requester can’t distinguish between Rhodes’s criterion and Σ with respect to access to records the two criteria are functionally the same when it comes to evaluating LAPD’s compliance with the law.

²⁰ Rhodes doesn’t define what she means by “part” but it’s ultimately not important. The conclusion will be that no matter how one defines parts or S the requirements of the CPRA with respect to a given request do not change.

²¹ I’m glossing over the 14 day extension rule. It doesn’t affect my argument.

²² Or 24 days, as mentioned above.

8 Exhibits

8.1 Exhibit 1 – California State Bar Rule 1.13



The State Bar of California

Rule 1.13 Organization as Client (Rule Approved by the Supreme Court, Effective November 1, 2018)

- (a) A lawyer employed or retained by an organization shall conform his or her representation to the concept that the client is the organization itself, acting through its duly authorized directors, officers, employees, members, shareholders, or other constituents overseeing the particular engagement.
- (b) If a lawyer representing an organization knows* that a constituent is acting, intends to act or refuses to act in a matter related to the representation in a manner that the lawyer knows* or reasonably should know* is (i) a violation of a legal obligation to the organization or a violation of law reasonably* imputable to the organization, and (ii) likely to result in substantial* injury to the organization, the lawyer shall proceed as is reasonably* necessary in the best lawful interest of the organization. Unless the lawyer reasonably believes* that it is not necessary in the best lawful interest of the organization to do so, the lawyer shall refer the matter to higher authority in the organization, including, if warranted by the circumstances, to the highest authority that can act on behalf of the organization as determined by applicable law.
- (c) In taking any action pursuant to paragraph (b), the lawyer shall not reveal information protected by Business and Professions Code section 6068, subdivision (e).
- (d) If, despite the lawyer's actions in accordance with paragraph (b), the highest authority that can act on behalf of the organization insists upon action, or fails to act, in a manner that is a violation of a legal obligation to the organization or a violation of law reasonably* imputable to the organization, and is likely to result in substantial* injury to the organization, the lawyer shall continue to proceed as is reasonably* necessary in the best lawful interests of the organization. The lawyer's response may include the lawyer's right and, where appropriate, duty to resign or withdraw in accordance with rule 1.16.
- (e) A lawyer who reasonably believes* that he or she has been discharged because of the lawyer's actions taken pursuant to paragraph (b), or who resigns or withdraws under circumstances described in paragraph (d), shall proceed as the lawyer reasonably believes* necessary to assure that the organization's highest authority is informed of the lawyer's discharge, resignation, or withdrawal.
- (f) In dealing with an organization's constituents, a lawyer representing the organization shall explain the identity of the lawyer's client whenever the lawyer knows* or reasonably should know* that the organization's interests are adverse to those of the constituent(s) with whom the lawyer is dealing.
- (g) A lawyer representing an organization may also represent any of its constituents, subject to the provisions of rules 1.7, 1.8.2, 1.8.6, and 1.8.7. If the organization's consent to the dual representation is required by any of these rules, the consent

shall be given by an appropriate official, constituent, or body of the organization other than the individual who is to be represented, or by the shareholders.

Comment

The Entity as the Client

[1] This rule applies to all forms of private, public and governmental organizations. (See Comment [6].) An organizational client can only act through individuals who are authorized to conduct its affairs. The identity of an organization's constituents will depend on its form, structure, and chosen terminology. For example, in the case of a corporation, constituents include officers, directors, employees and shareholders. In the case of other organizational forms, constituents include the equivalents of officers, directors, employees, and shareholders. For purposes of this rule, any agent or fiduciary authorized to act on behalf of an organization is a constituent of the organization.

[2] A lawyer ordinarily must accept decisions an organization's constituents make on behalf of the organization, even if the lawyer questions their utility or prudence. It is not within the lawyer's province to make decisions on behalf of the organization concerning policy and operations, including ones entailing serious risk. A lawyer, however, has a duty to inform the client of significant developments related to the representation under Business and Professions Code section 6068, subdivision (m) and rule 1.4. Even when a lawyer is not obligated to proceed in accordance with paragraph (b), the lawyer may refer to higher authority, including the organization's highest authority, matters that the lawyer reasonably believes* are sufficiently important to refer in the best interest of the organization subject to Business and Professions Code section 6068, subdivision (e) and rule 1.6.

[3] Paragraph (b) distinguishes between knowledge of the conduct and knowledge of the consequences of that conduct. When a lawyer knows* of the conduct, the lawyer's obligations under paragraph (b) are triggered when the lawyer knows* or reasonably should know* that the conduct is (i) a violation of a legal obligation to the organization, or a violation of law reasonably* imputable to the organization, and (ii) likely to result in substantial* injury to the organization.

[4] In determining how to proceed under paragraph (b), the lawyer should consider the seriousness of the violation and its potential consequences, the responsibility in the organization and the apparent motivation of the person* involved, the policies of the organization concerning such matters, and any other relevant considerations. Ordinarily, referral to a higher authority would be necessary. In some circumstances, however, the lawyer may ask the constituent to reconsider the matter. For example, if the circumstances involve a constituent's innocent misunderstanding of law and subsequent acceptance of the lawyer's advice, the lawyer may reasonably* conclude that the best interest of the organization does not require that the matter be referred to higher authority. If a constituent persists in conduct contrary to the lawyer's advice, it will be necessary for the lawyer to take steps to have the matter reviewed by a higher authority in the organization. If the matter is of sufficient seriousness and importance or urgency to the

organization, referral to higher authority in the organization may be necessary even if the lawyer has not communicated with the constituent. For the responsibility of a subordinate lawyer in representing an organization, see rule 5.2.

[5] In determining how to proceed in the best lawful interests of the organization, a lawyer should consider the extent to which the organization should be informed of the circumstances, the actions taken by the organization with respect to the matter and the direction the lawyer has received from the organizational client.

Governmental Organizations

[6] It is beyond the scope of this rule to define precisely the identity of the client and the lawyer's obligations when representing a governmental agency. Although in some circumstances the client may be a specific agency, it may also be a branch of government or the government as a whole. In a matter involving the conduct of government officials, a government lawyer may have authority under applicable law to question such conduct more extensively than that of a lawyer for a private organization in similar circumstances. Duties of lawyers employed by the government or lawyers in military service may be defined by statutes and regulations. In addition, a governmental organization may establish internal organizational rules and procedures that identify an official, agency, organization, or other person* to serve as the designated recipient of whistle-blower reports from the organization's lawyers, consistent with Business and Professions Code section 6068, subdivision (e) and rule 1.6. This rule is not intended to limit that authority.

**NEW RULE OF PROFESSIONAL CONDUCT 1.13
(Former Rule 3-600)
Organization as Client**

EXECUTIVE SUMMARY

The Commission for the Revision of the Rules of Professional Conduct (“Commission”) evaluated current rule 3-600 (Organization as Client) in accordance with the Commission Charter. In addition, the Commission considered the national standard of ABA Model Rule 1.13 (Organization as Client). The Commission also reviewed relevant California statutes, rules, and case law relating to the issues addressed by the proposed rule. The result of this evaluation is proposed rule 1.13 (Organization as Client).

Rule As Issued For 90-day Public Comment

Proposed rule 1.13 carries forward the basic concept of current rule 3-600 but with four specific changes. First, proposed rule 1.13 now mandates “reporting up” in certain circumstances. Second, a two-part test with different scienter requirements is applied to determine whether a constituent’s action amounts to an enumerated violation and whether the violation is likely to result in harm to the organization. Third, a lawyer’s “reporting up” requirement is triggered only when both parts of the test have been satisfied. Finally, a lawyer is now required to notify the highest authority in the organization if the lawyer has been discharged or forced to withdraw as a result of his or her “reporting up” requirements.

Paragraph (a) carries forward the concept in current rule 3-600(A) which provides that when a lawyer represents an organization, the organization is the client acting through its constituents. By substituting the clause, “A lawyer employed or retained by an organization,” for “in representing an organization” in current rule 3-600, paragraph (a) clarifies that the rule applies to both in-house and outside counsel.

Paragraph (b) requires a lawyer to report certain enumerated conduct by a constituent “up the corporate ladder.” This mandate is consistent with the national trend but diverges from current rule 3-600 which permits, but does not require, a lawyer to take such action. A lawyer’s duty to report is triggered by two separate scienter standards: (1) a subjective standard that requires actual knowledge that a constituent is, has, or plans to act and; (2) an objective standard that asks whether a reasonable lawyer would conclude that the constituent’s course of action is a violation of law or a legal duty and likely to result in substantial injury to the organization. Unlike current rule 3-600 which permits a lawyer to take corrective action if there is either a violation of law or likely substantial injury to the organization, paragraph (b) requires that both be present before a lawyer’s duty to report up is triggered.

Paragraph (c) provides that a lawyer must maintain his or her duty of confidentiality when taking action pursuant to paragraph (b).

Paragraph (d) carries forward the concept in current rule 3-600 that if the highest authority in the organization insists on a course of conduct discussed in paragraph (b), the lawyer’s response may include of the lawyer’s right or duty to withdraw from the representation.

Paragraph (e) imposes a duty on a lawyer who is discharged or withdraws in accordance with paragraphs (b) or (d) to assure that the organization’s highest authority is notified of the lawyer’s discharge or withdrawal.

Paragraph (f) carries forward the duty imposed by current rule 3-600(D) requiring a lawyer for the organization to explain who the client is when it is apparent that the organization's interests are or may become adverse to those of a constituent with whom the lawyer is dealing.

Paragraph (g) carries forward the concept in current rule 3-600(E) which expressly recognizes that a lawyer may jointly represent the organization and a constituent so long as the requirements of the rules addressing actual or potential conflicts of interest are satisfied.

Comment [1] explains the scope of the rule's application to different organizations, including governmental organizations. The comment also clarifies that the identity of the constituents themselves will depend on the organization's form, structure, and chosen terminology.

Comment [2] discusses a lawyer's duty to defer to constituents' decisions on behalf of the organization. The comment likewise discusses a lawyer's duty to communicate significant developments. Finally, the comment provides that a lawyer may refer to an organization's highest authority even when not mandated by paragraph (b).

Comment [3] explains that paragraph (b) distinguishes between knowledge of the conduct and knowledge of the consequences of the conduct.

Comment [4] provides that it is appropriate, before taking action pursuant to paragraph (b), to urge reconsideration of a constituent's proposed course of action.

Comment [5] explains that a lawyer should not generally substitute the lawyer's judgment for that of the organization's highest authority.

Comment [6] expressly recognizes the difficulty inherent in attempts to generalize the duties of lawyers representing government organizations. This comment clarifies that each government lawyer's situation is different and needs to be assessed within its own structure.

Revisions Following 90-Day -Public Comment Period

After consideration of comments received in response to the initial 90-day public comment period, the Commission revised paragraph (c) for clarity, and also added the phrase "[f]or purposes of this rule" to the last sentence of Comment [1] to limit the breadth of that sentence's application. Finally, the Commission deleted the first sentence of Comment [5].

Proposed Rule as Amended by the Board of Trustees on November 17, 2016

After making revisions in response to public comment, the Commission submitted its proposed rule to the Board of Trustees for consideration at the Board's meeting on November 17, 2016. The Board revised the rule to address two issues.

First, in the second sentence of paragraph (g), the Board added the word "constituent" to the list of appropriate persons who may give consent on behalf of the organization to a dual representation of the organization and another person. This was done to retain language used in the current rule.

Second, in the last sentence of Comment [1], the phrase “for purposes of the authorized matter” was deleted as confusing and unnecessary.

With these changes, the Board voted to authorize an additional 45-day public comment period on the proposed rule.

The redline strikeout text below shows the changes made by the Board:

* * * * *

- (g) A lawyer representing an organization may also represent any of its constituents, subject to the provisions of rules 1.7, 1.8.2, 1.8.6, and 1.8.7. If the organization’s consent to the dual representation is required by any of these rules, the consent shall be given by an appropriate official, constituent, or body of the organization other than the individual who is to be represented, or by the shareholders.

Comment

[1] This rule applies to all forms of private, public and governmental organizations. See Comment [6]. An organizational client can only act through individuals who are authorized to conduct its affairs. The identity of an organization’s constituents will depend on its form, structure, and chosen terminology. For example, in the case of a corporation, constituents include officers, directors, employees and shareholders. In the case of other organizational forms, constituents include the equivalents of officers, directors, employees, and shareholders. For purposes of this rule, any agent or fiduciary authorized to act on behalf of an organization is a constituent of the organization ~~for purposes of the authorized matter~~.

* * * * *

Final Commission Action on the Proposed Rule Following 45-Day Public Comment Period

After consideration of comments received in response to the additional 45-day public comment period, the Commission made no changes to the proposed rule and voted to recommend that the Board adopt the proposed rule.

The Board adopted proposed rule 1.13 at its March 9, 2017 meeting.

Supreme Court Action (May 10, 2018)

The Supreme Court approved the rule as modified by the Court to be effective November 1, 2018. In paragraph (e), the term “resignation” was added before “or withdrawal.”

Rule ~~3-600~~1.13 Organization as Client
(Redline Comparison to the California Rule Operative Until October 31, 2018)

- (~~A~~a) ~~In representing~~ A lawyer employed or retained by an organization, ~~a member~~ shall conform his or her representation to the concept that the client is the organization itself, acting through its highest duty authorized ~~officer, employee, body, or constituent~~ directors, officers, employees, members, shareholders, or other constituents overseeing the particular engagement.
- (~~B~~b) If a ~~member acting on behalf of~~ lawyer representing an organization knows* that ~~an actual or apparent agent of the organization acts or~~ a constituent is acting, intends to act or refuses to act in a matter related to the representation in a manner that ~~is or may be~~ the lawyer knows* or reasonably should know* is (i) a violation of a legal obligation to the organization or a violation of law reasonably* imputable to the organization, ~~or in a manner which is~~ and (ii) likely to result in substantial* injury to the organization, the ~~member shall not violate his or her duty of protecting all confidential information as provided in Business and Professions Code section 6068, subdivision (e). Subject to Business and Professions Code section 6068, subdivision (e), the member may take such actions as appear to the member to be~~ lawyer shall proceed as is reasonably* necessary in the best lawful interest of the organization. ~~Such actions may include among others:~~
- Unless the lawyer reasonably believes* that it is not necessary in the best lawful interest of the organization to do so, the lawyer shall refer (1) ~~Urging reconsideration of the matter while explaining its likely consequences to the organization; or~~
- (2) ~~Referring~~ the matter to ~~the next~~ higher authority in the organization, including, if warranted by the ~~seriousness of the matter, referral~~ circumstances, to the highest ~~internal~~ authority that can act on behalf of the organization as determined by applicable law.
- (c) In taking any action pursuant to paragraph (b), the lawyer shall not reveal information protected by Business and Professions Code section 6068, subdivision (e).
- (~~E~~d) If, despite the ~~member's~~ lawyer's actions in accordance with paragraph (~~B~~b), the highest authority that can act on behalf of the organization insists upon action, ~~or a refusal~~ fails to act, in a manner that is a violation of ~~law~~ a legal obligation to the organization or a violation of law reasonably* imputable to the organization, and is likely to result in substantial* injury to the organization, the ~~member's response is limited to the member's~~ lawyer shall continue to proceed as is reasonably* necessary in the best lawful interests of the organization. The lawyer's response may include the lawyer's right, and, where appropriate, duty to resign or withdraw in accordance with rule ~~3-700~~1.16.

- (e) A lawyer who reasonably believes* that he or she has been discharged because of the lawyer's actions taken pursuant to paragraph (b), or who resigns or withdraws under circumstances described in paragraph (d), shall proceed as the lawyer reasonably believes* necessary to assure that the organization's highest authority is informed of the lawyer's discharge, resignation, or withdrawal.
- (Df) In dealing with an organization's ~~directors, officers, employees, members, shareholders, or other~~ constituents, a ~~member~~lawyer representing the organization shall explain the identity of the lawyer's client ~~for whom the member acts,~~ whenever ~~it is or becomes apparent~~the lawyer knows* or reasonably should know* that the organization's interests are ~~or may become~~ adverse to those of the constituent(s) with whom the ~~member~~lawyer is dealing. ~~The member shall not mislead such a constituent into believing that the constituent may communicate confidential information to the member in a way that will not be used in the organization's interest if that is or becomes adverse to the constituent.~~
- (Eg) A ~~member~~lawyer representing an organization may also represent any of its ~~directors, officers, employees, members, shareholders, or other~~ constituents, subject to the provisions of ~~rule 3-310~~rules 1.7, 1.8.2, 1.8.6, and 1.8.7. If the organization's consent to the dual representation is required by ~~rule 3-310~~any of these rules, the consent shall be given by an appropriate official, constituent, or body of the organization other than the individual ~~or constituent~~ who is to be represented, or by the ~~shareholder(s) or organization members~~shareholders.

Comment~~Discussion~~

The Entity as the Client

[1] This rule applies to all forms of private, public and governmental organizations. (See Comment [6].) An organizational client can only act through individuals who are authorized to conduct its affairs. The identity of an organization's constituents will depend on its form, structure, and chosen terminology. For example, in the case of a corporation, constituents include officers, directors, employees and shareholders. In the case of other organizational forms, constituents include the equivalents of officers, directors, employees, and shareholders. For purposes of this rule, any agent or fiduciary authorized to act on behalf of an organization is a constituent of the organization.

[2] A lawyer ordinarily must accept decisions an organization's constituents make on behalf of the organization, even if the lawyer questions their utility or prudence. It is not within the lawyer's province to make decisions on behalf of the organization concerning policy and operations, including ones entailing serious risk. A lawyer, however, has a duty to inform the client of significant developments related to the representation under Business and Professions Code section 6068, subdivision (m) and rule 1.4. Even when a lawyer is not obligated to proceed in accordance with paragraph (b), the lawyer may refer to higher authority, including the organization's highest authority, matters that the lawyer reasonably believes* are sufficiently important to refer in the best interest of the

organization subject to Business and Professions Code section 6068, subdivision (e) and rule 1.6.

[3] Paragraph (b) distinguishes between knowledge of the conduct and knowledge of the consequences of that conduct. When a lawyer knows* of the conduct, the lawyer's obligations under paragraph (b) are triggered when the lawyer knows* or reasonably should know* that the conduct is (i) a violation of a legal obligation to the organization, or a violation of law reasonably* imputable to the organization, and (ii) likely to result in substantial* injury to the organization.

[4] In determining how to proceed under paragraph (b), the lawyer should consider the seriousness of the violation and its potential consequences, the responsibility in the organization and the apparent motivation of the person* involved, the policies of the organization concerning such matters, and any other relevant considerations. Ordinarily, referral to a higher authority would be necessary. In some circumstances, however, the lawyer may ask the constituent to reconsider the matter. For example, if the circumstances involve a constituent's innocent misunderstanding of law and subsequent acceptance of the lawyer's advice, the lawyer may reasonably* conclude that the best interest of the organization does not require that the matter be referred to higher authority. If a constituent persists in conduct contrary to the lawyer's advice, it will be necessary for the lawyer to take steps to have the matter reviewed by a higher authority in the organization. If the matter is of sufficient seriousness and importance or urgency to the organization, referral to higher authority in the organization may be necessary even if the lawyer has not communicated with the constituent. For the responsibility of a subordinate lawyer in representing an organization, see rule 5.2.

[5] In determining how to proceed in the best lawful interests of the organization, a lawyer should consider the extent to which the organization should be informed of the circumstances, the actions taken by the organization with respect to the matter and the direction the lawyer has received from the organizational client.

Governmental Organizations

[6] It is beyond the scope of this rule to define precisely the identity of the client and the lawyer's obligations when representing a governmental agency. Although in some circumstances the client may be a specific agency, it may also be a branch of government or the government as a whole. In a matter involving the conduct of government officials, a government lawyer may have authority under applicable law to question such conduct more extensively than that of a lawyer for a private organization in similar circumstances. Duties of lawyers employed by the government or lawyers in military service may be defined by statutes and regulations. In addition, a governmental organization may establish internal organizational rules and procedures that identify an official, agency, organization, or other person* to serve as the designated recipient of whistle-blower reports from the organization's lawyers, consistent with Business and Professions Code section 6068, subdivision (e) and rule 1.6. This rule is not intended to limit that authority.

~~Rule 3-600 is not intended to enmesh members in the intricacies of the entity and aggregate theories of partnership.~~

~~Rule 3-600 is not intended to prohibit members from representing both an organization and other parties connected with it, as for instance (as simply one example) in establishing employee benefit packages for closely held corporations or professional partnerships.~~

~~Rule 3-600 is not intended to create or to validate artificial distinctions between entities and their officers, employees, or members, nor is it the purpose of the rule to deny the existence or importance of such formal distinctions. In dealing with a close corporation or small association, members commonly perform professional engagements for both the organization and its major constituents. When a change in control occurs or is threatened, members are faced with complex decisions involving personal and institutional relationships and loyalties and have frequently had difficulty in perceiving their correct duty. (See *People ex rel Deukmejian v. Brown* (1981) 29 Cal.3d 150 [172 Cal.Rptr. 478]; *Goldstein v. Lees* (1975) 46 Cal.App.3d 614 [120 Cal.Rptr. 253]; *Woods v. Superior Court* (1983) 149 Cal.App.3d 931 [197 Cal.Rptr. 185]; *In re Banks* (1978) 283 Ore. 459 [584 P.2d 284]; 1 A.L.R.4th 1105.) In resolving such multiple relationships, members must rely on case law.~~

8.2 Exhibit 2 – LAPD Department Manual Vol. 3 §406.30

406.30 CALIFORNIA PUBLIC RECORDS ACT. The Department is committed to upholding the right of the public to access records and information concerning the conduct of the people's business consistent with the Constitution of the State of California and the California Public Records Act (CPRA). The Department recognizes its obligation to comply with the CPRA, to facilitate public records access, and to promote a culture of transparency and accountability. Pursuant to the CPRA, Government Code Sections 6250 - 6257, all Department records are public records and shall be disclosed to the public, upon request, unless there is a specific legal basis not to do so. The CPRA contains exemptions from disclosure and there are additional laws outside the CPRA that create exemptions from disclosure. The CPRA requires that, within 10 calendar days from receiving a request, the Department notify the requestor in writing whether the Department is in possession of the requested public records and any exemptions asserted by the Department. When unusual circumstances exist, as defined by the CPRA, the Department may extend the time to respond by an additional 14 calendar days. The Department must then promptly provide the requestor access to or copies of the responsive and non-exempt records.

Method of Accepting Requests. The Department accepts CPRA requests in person, by phone, in writing, or online at lapdonline.org.

Responsibilities of the California Public Records Act Unit. The CPRA Unit, Discovery Section, Legal Affairs Division, has primary responsibility for accepting, processing, and responding to CPRA requests for the Department. The CPRA Unit shall log, process, and respond to every public record request it receives, in accordance with the CPRA.

The CPRA Unit employees shall assist requestors by helping to identify records and information applicable to the request, describing the information technology and physical location in which the records exist, and providing suggestions for expediting the production of records.

Responsibilities of Department Employees. The duties of Department employees in response to a request for assistance from the CPRA Unit include, but are not limited to:

- ◆ Reviewing and responding to a request for assistance from the CPRA Unit;
- ◆ Describing categories of potentially applicable documents and identifying locations where responsive documents may be located within the unit for which the Department employee is responsible;
- ◆ Identifying other Department employees with knowledge of possible responsive documents and/or their locations;
- ◆ Searching for requested documents; and,
- ◆ Reviewing documents and assisting the CPRA Unit to identify information that requires withholding and/or redaction.

A Department employee responding to a request for records from the CPRA Unit shall provide all requested records to the CPRA Unit. If a Department employee believes that some or all the information in a record is protected from public disclosure, they should provide the record to the CPRA Unit and recommend to the CPRA Unit what information should be withheld and why. If for any reason a Department employee cannot respond to a request for assistance from the CPRA Unit within the time requested by the CPRA Unit, the employee shall not the CPRA Unit promptly that he or she cannot comply with the request.

Any Department employee not assigned to the CPRA Unit who receives a public records request from a member of the public shall promptly notify his or her supervisor of the request.

Responsibilities of Department Supervisors. A supervisor who receives a public records request, shall attempt to determine if the requested records are readily available for public release. Many frequently requested Department records are readily available online at lapdonline.org or from other Department resources. It is not necessary to refer such requests to the CPRA Unit. If the requested records are readily available for public release, the supervisor shall provide the records to the requestor. Supervisors may call the CPRA Unit for advice regarding such requests. If the requested records are not readily available for public release, or if the requestor is not satisfied by the records provided, the requestor should be advised to submit a CPRA request to the CPRA Unit. The supervisor may also accept the request, and forward it to the CPRA Unit no more than one calendar day after receipt of the request.

Employee Accountability. Any Department employee may be assigned to assist in the work of responding to a public records request and/or preparing records for disclosure. A Department employee who willfully withholds Department records or information relating to a CPRA request or willfully violates any other obligation under this policy may be subject to discipline.

8.3 Exhibit 3 – LAPD CPRA Request 20-3431

Request #20-3431 >

CLOSED

1 of 2 filtered by: Keyword search: bogado

June 13, 2020

Discovery LAPD
201 North Los Angeles Street
Space 301
Los Angeles, CA 90012

To Whom It May Concern:

This is a request under the California Public Records Act. I'm a reporter with the Center for Investigative Reporting (henceforth "CIR") seeking information from the Los Angeles Police Department ("LAPD") and its Board of Police Commissioners ("BPC").

On June 2, 2020, the BPC and LAPD Chief Michel Moore held a meeting with a public comment section, which was broadcast online in its entirety. During the meeting, which was held at a time of considerable civil unrest in the United States and within Los Angeles, it appeared evident that the chief and the commissioners were using their cell phones during the time when their colleagues and/or the public was speaking. At one point during the public comment period, Commissioner Steve Soboroff held up his cell phone to confirm his version of an event that was occurring outside of the meeting, leaving no doubt that he was indeed using his cell phone while the public addressed him and his colleagues.

I am seeking a record of all cell phone messages sent to and from Chief Moore, as well as a record of all cell phone messages sent to and from all BPC commissioners during the duration of the described meeting, which lasted approximately eight-and-a-half hours. Responsive records should include, but should not be limited to: the sender and receiver name, phone number, text, images, links, and timestamp, all within clear threads that indicate which messages are being responded to and among whom.

Additionally, I am seeking a record of all chats shared between Chief Moore and BPC commissioners on any platform on which the group was communicating during the described meeting.

Fee Waiver and Fee Benefit: CIR is the nation's oldest nonprofit news organization. As a member of the news media, I'm seeking this information for the dissemination to the general public as part of an effort to understand the degree to which the LAPD and BPC engaged with the public and with one another during a time of unprecedented unrest. This request is made in the public interest and not for commercial use. If possible, I would prefer the documents in electronic format. Please notify me before incurring any photocopying costs over \$100.

Electronic Records: Please furnish all responsive records in electronic, searchable format delivered to my email address: abogado@revealnews.org. If that's not possible, please send records on a CD-ROM sent to the following address:

Aura Bogado
1400 65th St., Suite 200
Emeryville, CA 94608

Request Published

Public

June 29, 2020, 12:36pm

Request Closed [Hide](#)

Public

Dear Requester:

The Los Angeles Police Department (LAPD or Department) has received your request, made pursuant to the California Public Records Act (Cal. Govt. Code §6250, *et seq.*, hereafter CPRA or the Act), for the following:

"... a record of all cell phone messages sent to and from Chief Moore, as well as a record of all cell phone messages sent to and from all BPC commissioners during the duration of the described meeting, which lasted approximately eight-and-a-half hours. Responsive records should include, but should not be limited to: the sender and receiver name, phone number, text, images, links, and timestamp, all within clear threads that indicate which messages are being responded to and among whom.

Additionally, I am seeking a record of all chats shared between Chief Moore and BPC commissioners on any platform on which the group was communicating during the described meeting." *

**Please be advised that the Department is hereby responding with respect only to records in its possession. To the extent your request also seeks records in the possession of any of the BPC Commissioners, a separate response will be provided by the Board of Police Commissioners.*

The Department is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, section 1. The law also exempts from disclosure, records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

The Department has performed a search and identified records responsive to the above request and such records are attached to this response. To the extent these records contain information that does not fall within the definition of a "public record" under Section 6252(e) of the Act and is therefore not subject to the provisions of the CPRA, it has been removed. Further, certain content has been redacted which reflects the deliberative process of senior Department officials and is therefore exempt pursuant to Section 6255 of the Act, which permits the nondisclosure of records when, "on the facts of a particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record."

Further Correspondence: All correspondence regarding this request can be directed to me at abogado@revealnews.org.

Please be aware that under the California Public Records Act, this request requires a response within ten business days. After that time, it is subject to litigation. If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the California Public Records Act. As the law requires, I will also expect you to release all segregable portions of otherwise exempt material.

I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

Thank you for your prompt attention to this request.

Sincerely,

Aura Bogado

[— Read less](#)

Received June 3, 2020 via web

Departments Police Department (LAPD)

Documents

[20-3431 Responsive Redacted.pdf](#)



[Response Letter 20-3431.pdf](#)



Staff

Point of Contact LAPD Sr Analyst Alexis N1685

Further Correspondence: All correspondence regarding this request can be directed to me at abogado@revealnews.org.
Judicially recognized protection over records of such decision-making processes is intended to cultivate, as opposed to discourage, open discussion within the agency which would undermine the agency's ability to perform its functions. Additionally, the Department asserts Section 6254(k) over and has redacted certain content. Subdivision (k) protects from disclosure, records which are exempt under State or Federal law, including provisions of the Evidence Code relating to privilege. Specifically, Evidence Code Section 1040 declares an official information privilege for information acquired in confidence by a public agency when the public interest in disclosing the information is outweighed by the public interest in keeping the information confidential. To the extent certain communications involve tactically/operationally sensitive information, that specific content has been redacted under this provision of the Act.

If you have any questions regarding this correspondence, simply respond to this email.

Respectfully,

LAPD Discovery Section, CPRA Unit

June 29, 2020, 12:36pm

Document(s) Released Public
Response Letter 20-3431.pdf
June 29, 2020, 12:32pm

Document(s) Released Public
20-3431 Responsive Redacted.pdf
June 29, 2020, 12:32pm

Due Date Changed Public
06/29/2020 (was 06/15/2020).
June 12, 2020, 6:30pm

External Message [Hide](#) Public
Dear Requester:

I have reviewed your California Public Records Act request.

Please be advised that, pursuant to California Government Code Section 6253(c), I have found that "unusual circumstances" exist with respect to the request due to the need to search for, collect, and review the requested records from other Department entities which are separate from the office processing the request. Therefore, my staff will require the statutory fourteen days extension of time in which to respond. A determination concerning your request will be made as soon as possible.

If you have any questions regarding this correspondence, simply respond to this email.

Respectfully,

LAPD Discovery Section CPRA Unit

June 12, 2020, 6:29pm by LAPD Sr Analyst Alexis N1685, Sr.

Management Analyst (Staff)

External Message Public

Hi again. Can you please let me know when I can expect the records I requested? Thanks.

June 5, 2020, 1:02pm by the requester via email

✓ **External Message** [Hide](#)

Public

Hello, Thank you for acknowledging my request. While I can appreciate the volume of requests you're receiving at a difficult time, I want to make clear that I am in no way postponing my request. In fact, I would like to amend my request to ask that responsive records be issued in an expedited manner, since it's related to an urgent matter that's gripping the country. *Please let me know when I can expect the records I seek.* I look forward to hearing from you. Best, Aura

June 3, 2020, 5:25pm by the requester via email

✓ **External Message** [Hide](#)

Public

Dear Requester:

The Department continues to process CPRA requests as they come in during the COVID-19 public health crisis, and will endeavor to do so in a timely manner. While the Department will be making every effort to comply with its statutory obligations, due to the COVID-19 crisis and the City and Department's efforts to tackle its effects, the actual production of records responsive to your request (if any) may be delayed if Department resources are needed to perform critical functions or are constrained due to the pandemic. The Department greatly appreciates your patience during this difficult time, as the entire community and nation deals with this unusual and serious situation. During this crisis, the Department would also ask that requesters consider postponing the submission of any requests that can wait until after the immediate crisis has abated.

If you have any questions, please respond to this e-mail.

Respectfully,

LAPD Discovery Section, CPRA Unit

June 3, 2020, 4:33pm by LAPD Catherine N6162 (Staff)

🏛️ **Department Assignment**
Police Department (LAPD)

Public

June 3, 2020, 3:38pm

📁 **Request Opened**
Request received via web

Public

June 3, 2020, 3:38pm

8.4 Exhibit 4 – Bryan Lium’s June 5, 2020 4:45 PM Email to Richard Tefank

Subject: BOPC CPRA Request
From: Bryan Lium <32466@lapd.online>
Date: 6/5/20, 4:45 PM
To: Richard Tefank <n3025@lapd.online>
CC: Brian O Connor <35408@lapd.online>

Mr. Tefank,

Please find attached my desk note with additional information. Please call me on my cell [REDACTED] at your convenience to discuss. I know this is going to be challenging with the Commissioners working remotely during this pandemic .

Thank you for your help
Bryan

BRYAN D. LIUM
Commanding Officer
Los Angeles Police Department
Legal Affairs Division

Main: [\(213\) 978-4640](tel:2139784640)
Direct: [\(213\) 978-4633](tel:2139784633)
Mobile: [REDACTED]

— Attachments: —

Request No. 20-3431 BOPC Instructions (002).docx

1.5 MB

8.5 Exhibit 5 – Bryan Lium’s Attached Desk Note (June 5, 2020)



A note from . . .

CAPTAIN BRYAN D. LIUM

Commanding Officer
Legal Affairs Division
(213) 978-4633

Mr. Richard M. Tefank
Executive Director, Police Commission

RE: CALIFORNIA PUBLIC RECORDS ACT REQUEST NO. 20-3431

Sir,

As previously discussed, for the purposes of this CPRA request, any text message sent or received during the June 2, 2020 Board of Police Commissioners meeting, as well as any “chat” messages exchanged between the Chief and Commissioners during the meeting, must be retained and converted to paper or redactable electronic form.

Note: Public records include any writing containing information relating to the conduct of the public’s business; however, communications that are primarily personal in nature will not be constituted as public records.

In order to comply with this request, I am respectfully requesting the Commissioners to examine their devices for potentially responsive messages. Once they have done so, they may utilize one the following options to comply with the request.

- If they did not send or receive any text messages and did not exchange any chat messages with any Commissioners or the Chief during the June 2, 2020 meeting, please notify me. No further action will be required from them regarding the request.
- If they identified messages that are potentially responsive, and they can convert the messages to paper form, the messages may be provided directly to me for review. Alternatively, I can assist you in arranging to have Technical Investigation Division staff extract the potentially responsive messages from their device for review by our staff.

Note: The following are links to websites that provide instructions on how to print text messages from cellular telephones (<https://www.easeus.com/iphone-data-transfer/three-simple-ways-to-print-out-text-messages-from-iphone.html> or <https://deciphertools.com/blog/how-to-print-text-messages-for-court>).

Director Richard Tefank
CPRA Request No. 20-3431
Page 2

Thank you for your assistance with this request. Please contact me directly at [REDACTED] if you have any questions regarding this matter.

Bryan

8.6 Exhibit 6 – Bryan Lium’s June 5, 2020 5:15 Email to Richard Tefank

Please call my cell when avail 213 926-3168

Subject: Please call my cell when avail [REDACTED]
From: Bryan Lium <32466@lapd.online>
Date: 6/5/20, 5:15 PM
To: Richard Tefank <richard.tefank@lapd.online>

BRYAN D. LIUM
Commanding Officer
Los Angeles Police Department
Legal Affairs Division

Main: [\(213\) 978-4640](tel:(213)978-4640)
Direct: [\(213\) 978-4633](tel:(213)978-4633)
Mobile: [REDACTED]

8.7 Exhibit 7 – Bryan Lium’s June 5, 2020 Email to Richard Tefank

Follow up

Subject: Follow up
From: Bryan Lium <32466@lapd.online>
Date: 6/5/20, 6:01 PM
To: Richard Tefank <n3025@lapd.online>
CC: Brian O Connor <35408@lapd.online>

Mr. Tefank,

Thanks again for jumping on this CPRA request. Once you have surveyed all the Commissioners if they have responsive records or not just an email from you on your findings would be much appreciated.

Bryan

BRYAN D. LIUM
Commanding Officer
Los Angeles Police Department
Legal Affairs Division

Main: [\(213\) 978-4640](tel:2139784640)
Direct: [\(213\) 978-4633](tel:2139784633)
Mobile: [REDACTED]

8.8 Exhibit 8 – Bryan Lium’s June 15, 2020 Email to Richard Tefank

Subject: CPRA Request for Commissioners text message activity during last PC meeting

From: Bryan Lium <32466@lapd.online>

Date: 6/15/20, 11:27 AM

To: Richard Tefank <n3025@lapd.online>

CC: Bryan Lium <32466@lapd.online>

Good morning Mr. Tefank,

So following up on our CPRA request for the Commissioners text message activity during the last meeting....I believe you have relayed to me that;

Eileen Decker has none

Stever Soboroff has none

Dale Bonner has none

Shane Murphy Goldsmith we have not heard back yet?

(Sandra Figueroa-Villas was not present)

Please confirm?

Thanks

Bryan

BRYAN D. LIUM

Commanding Officer

Los Angeles Police Department

Legal Affairs Division

Main: [\(213\) 978-4640](tel:2139784640)

Direct: [\(213\) 978-4633](tel:2139784633)

Mobile: [REDACTED]

8.9 Exhibit 9 – LAPD CPRA Request 20-3691 (internal)



City of Los Angeles Public Record Requests

Request #20-3691

Open

As of June 25, 2020, 8:15am

Request Visibility: Department

Details

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.) , I ask to obtain an electronic copy of the following, which I understand to be held by your agency:

- A list and resumes of all civilian who currently serve on the LAPD's Board of Rights panel
- For the current civilian panelists, how many times/days has each person served and a list of what their rulings were.
- A list and resumes of all civilians *who have applied* to be on the LAPD's Board of Rights panel

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at [REDACTED] or email, [REDACTED]

Thank you.



City of Los Angeles Public Record Requests

June 11, 2020 via web

Due

July 6, 2020

Departments

Police Department (LAPD)

Requester

Denise Chan

d.kaychan@gmail.com
2900 W Alameda Ave., Burbank, CA 91505
6265518761
KCET / PBS SoCal

Requester email status list

Request opened

- **Sent** June 11, 2020, 3:15pm
- **Delivered** June 11, 2020, 3:16pm
- **Opened** June 11, 2020, 3:19pm

External message added

- **Sent** June 11, 2020, 3:38pm
- **Delivered** June 11, 2020, 3:39pm
- **Opened** June 11, 2020, 3:40pm

External message added

- **Sent** June 18, 2020, 9:13am
 - **Delivered** June 18, 2020, 9:13am
 - **Opened** June 18, 2020, 9:21am
-

Tags

2

LAPD: CAT-2, LAPD: CPRA (non-SB1421), LAPD: Media, LAPD: Other



City of Los Angeles Public Record Requests

Documents

Public (pending)

(none)

Requester

(none)

Staff Only

(none)

Staff

Point of Contact

n6613@lapd.online

Support

35408@lapd.online

iagpublicrecordsrequest@lapd.online

Tasks

any and all information that can be provided in response to: A list and resumes of all civilian who currently serve on the LAPD's Board of Rights panel For the current civilian panelists, how many times/days has each person served and a list of what their rulings were. A list and resumes of all civilians who have applied to be on the LAPD's Board of Rights panel

Due: 06/29/2020

Internal Affairs Group IAG SB1421



City of Los Angeles Public Record Requests

Timeline

Due Date Changed

Public

07/06/2020 (was 06/22/2020).

June 18, 2020, 9:13am by LAPD Analyst - Vanessa N6613

External Message

Requester + Staff

Dear Requester:

I have reviewed your California Public Records Act request.

Please be advised that, pursuant to California Government Code Section 6253(c), I have found that "unusual circumstances" exist with respect to the request due to the need to search for, collect, and review the requested records from other Department entities which are separate from the office processing the request. Therefore, my staff will require the statutory fourteen days extension of time in which to respond. A determination concerning your request will be made as soon as possible.

If you have any questions regarding this correspondence, simply respond to this email.

Respectfully,

LAPD Discovery Section CPRA Unit

June 18, 2020, 9:13am by LAPD Analyst - Vanessa N6613, Management Assistant (Staff)

Note

Staff Only

Hi Vanessa,

4

I contacted Department Advocate Lt. Castillo on 6/17 and his team will conduct a run of their database to identify all BORs the current civilian members have participated in so we can determine the quantity of records we will have to review. Because there



City of Los Angeles Public Record Requests

are about 40 currently participating civilian members (they rotate) and no time frame given it is anticipated there will be a significant number of BORs for the current civilians in the database.

Once we have identified the number of BORs there were for the current civilians, we will evaluate our next steps.

June 18, 2020, 9:11am by Brian O'Connor Lieutenant II - Legal Affairs Division - Discovery Section - Officer In Charge, Lieutenant II (Staff)

Note

Staff Only

hearing examiner application (ie: board of rights or permit board) says at the very top that it is not a public record

June 16, 2020, 10:45am by LAPD Analyst - Vanessa N6613, Management Assistant (Staff)

Task Created

Staff Only

any and all information that can be provided in response to: A list and resumes of all civilian who currently serve on the LAPD's Board of Rights panel For the current civilian panelists, how many times/days has each person served and a list of what their rulings were. A list and resumes of all civilians who have applied to be on the LAPD's Board of Rights panel

Assigned to: Internal Affairs Group IAG SB1421

June 15, 2020, 5:07pm by LAPD Analyst - Vanessa N6613

Support Staff Added

Staff Only

Internal Affairs Group IAG SB1421

June 15, 2020, 12:53pm by LAPD Analyst - Vanessa N6613

Note

Staff Only

info requesting:

- A list and resumes of all civilian who currently serve on the LAPD's Board of Rights panel
- For the current civilian panelists, how many times/days has each person served and a list of what their rulings were.
- A list and resumes of all civilians *who have applied* to be on the LAPD's Board of Rights panel

June 15, 2020, 12:22pm by LAPD Analyst - Vanessa N6613, Management Assistant



City of Los Angeles Public Record Requests

(Staff)

Text Changed

Staff Only

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.) , I ask to obtain an electronic copy of the following, which I understand to be held by your agency: A list and resumes of all civilian who currently serve on the LAPD's Board of Rights panel For the current civilian panelists, how many times/days has each person served and a list of what their rulings were. A list and resumes of all civilians who have applied to be on the LAPD's Board of Rights panel I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question. If you determine that any or all or the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information. If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested. In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed. If I can provide any clarification that will help expedite your attention to my request, please contact me at [REDACTED] (626)551-8761 or email, [REDACTED] , d.kaychan@gmail.com. Thank you.
June 15, 2020, 12:19pm by LAPD Analyst - Vanessa N6613

Note

Staff Only

ORIGINAL REQUEST:

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.) , I ask to obtain an electronic copy of the following, which I understand to be held by your agency:

- A list and resumes of all civilian who currently serve on the LAPD's Board of Rights panel
- For the current civilian panelists, how many times/days has each person served and a list of what their rulings were.
- A list and resumes of all civilians *who have applied* to be on the LAPD's Board of Rights panel

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

If you determine that any or all or the information qualifies for an exemption from



City of Los Angeles Public Record Requests

disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at (626)551-8761 or email, d.kaychan@gmail.com.

Thank you.

June 15, 2020, 12:19pm by LAPD Analyst - Vanessa N6613, Management Assistant (Staff)

Note

Staff Only

Vanessa,

This is another request for BOR information. At our next CPRA staff meeting, please brief everyone on Boards of Rights records, contact info, what's available, etc.

June 13, 2020, 7:24am by LAPD Sr Analyst Alexis N1685, Sr. Management Analyst (Staff)

New Point of Contact

Staff Only

LAPD Analyst - Vanessa N6613

June 13, 2020, 7:23am by LAPD Sr Analyst Alexis N1685 on behalf of LAPD Analyst - Vanessa N6613

Tags Added

Staff Only

LAPD: CAT-2

June 13, 2020, 7:23am by LAPD Sr Analyst Alexis N1685

Support Staff Added

Staff Only

Brian O'Connor Lieutenant II - Legal Affairs Division - Discovery Section - Officer In Charge



City of Los Angeles Public Record Requests

June 11, 2020, 9:28pm by Brian O'Connor Lieutenant II - Legal Affairs Division -
Discovery Section - Officer In Charge

New Point of Contact

Staff Only

To Be Assigned

June 11, 2020, 3:39pm by LAPD Michelle N6335 on behalf of To Be Assigned

Tags Added

Staff Only

LAPD: Media

June 11, 2020, 3:39pm by LAPD Michelle N6335

Tags Added

Staff Only

LAPD: Other, LAPD: CPRA (non-SB1421)

June 11, 2020, 3:39pm by LAPD Michelle N6335

External Message

Requester + Staff

Dear Requester:

The Department continues to process CPRA requests as they come in during the COVID-19 public health crisis, and will endeavor to do so in a timely manner. While the Department will be making every effort to comply with its statutory obligations, due to the COVID-19 crisis and the City and Department's efforts to tackle its effects, the actual production of records responsive to your request (if any) may be delayed if Department resources are needed to perform critical functions or are constrained due to the pandemic. The Department greatly appreciates your patience during this difficult time, as the entire community and nation deals with this unusual and serious situation. During this crisis, the Department would also ask that requesters consider postponing the submission of any requests that can wait until after the immediate crisis has abated.

If you have any questions, please respond to this e-mail.

Respectfully,



City of Los Angeles Public Record Requests

LAPD Discovery Section, CPRA Unit

June 11, 2020, 3:38pm by LAPD Michelle N6335, Senior Administrative Clerk (Staff)

Department Assignment

Public

Police Department (LAPD)

June 11, 2020, 3:15pm (auto-assigned)

Request Visibility

Staff Only

Department-Only

June 11, 2020, 3:15pm (auto-assigned)

Request Opened

Public

Request received via web

June 11, 2020, 3:15pm by Denise Chan

8.10 Exhibit 10 – Marla Ciuffetelli’s July 15, 2020 email regarding Request 20-3691

re: resumes for Civilians on BOR

Subject: re: resumes for Civilians on BOR
From: Marla Ciuffetelli <34964@lapd.online>
Date: 7/15/20, 4:44 PM
To: Richard Tefank <n3025@lapd.online>

Mr. Tefank,

I apologize for any confusion, and perhaps I should introduce myself. I have recently been assigned as the OIC of the Discovery Section over here at Legal Affairs Division. Lt. O'Connor, although currently on vacation, remains in the Division but is transferring over to my previous assignment at Employment Litigation. Hopefully there won't be too much havoc and confusion during out transition!

At any rate, I wanted to reach out to you to see if there was any update on the CPRA request for the resumes of the Civilian board members. Debra Gonzales provided an opinion to Lt. O'Connor that they were not exempt in totality, but that certain personal information could be redacted out. I am in the office the rest of the week and available to speak to you at any time that is convenient for you. And I believe Debra would be available as well to explain how she arrived at her opinion. Please let me know if you ever have any questions and concerns, and again I'm so sorry about the late introduction!

Marla

Lieutenant II Marla Ciuffetelli

Officer-In-Charge

Discovery Section

Legal Affairs Division

Office Phone No. (213) 847-3584

Los Angeles Police Department, City Hall

200 N. Spring Street, 19th Floor

8.11 Exhibit 11 – Marla Ciuffetelli’s July 24, 2020 email regarding Request 20-3691

Subject: F/U on CPRA request 20-3691
From: Marla Ciuffetelli <34964@lapd.online>
Date: 7/24/20, 2:35 PM
To: Richard Tefank <n3025@lapd.online>

Mr. Tefank,

Thank you again for the resumes you sent earlier for BOR civilian participants. It appears that Eleanor Montano's was not included and I was wondering if you would be able to forward that one. Also, the request asks for resumes of applicants as well. Is it possible for you to send us the resumes of all of those who applied to be on the BORs from 2000 to present? Thank you so much.

Marla

Lieutenant II Marla Ciuffetelli

Officer-In-Charge

Discovery Section

Legal Affairs Division

Office Phone No. (213) 847-3584

Los Angeles Police Department, City Hall

200 N. Spring Street, 19th Floor

— Attachments: —

Request_20-3691.pdf

83.8 KB

8.12 Exhibit 12 – Marla Ciuffetelli’s July 30, 2020 email regarding Request 20-3691

Subject: Re: F/U on CPRA request 20-3691
From: Marla Ciuffetelli <34964@lapd.online>
Date: 7/30/20, 4:11 PM
To: Richard Tefank <n3025@lapd.online>

Hi Mr. Tefank,

I'm just checking in to see if you were ever able to speak to Debra about the request for resumes for the applicants? Also if you were able to find anything on Eleanor Montana?

Thanks,

Marla

From: Richard Tefank <n3025@lapd.online>
Sent: Friday, July 24, 2020 2:40 PM
To: Marla Ciuffetelli <34964@lapd.online>
Subject: RE: F/U on CPRA request 20-3691

Lt. Ciuffetelli,

I would want to check with the City Attorney on applicants since they are not Part-time as needed City employees until appointed by the Commission.

I will check on Monday with Debra Gonzales who did the research on the issue.

Richard

Richard M. Tefank, Executive Director
Board of Police Commissioners
Office Â- 213-236-1400
Fax Â- 213-236-1410
Email Â- richard.tefank@lapd.online

From: Marla Ciuffetelli
Sent: Friday, July 24, 2020 2:36 PM
To: Richard Tefank <n3025@lapd.online>
Subject: F/U on CPRA request 20-3691

Mr. Tefank,

Thank you again for the resumes you sent earlier for BOR civilian participants. It appears that Eleanor Montano's was not included and I was wondering if you would be able to forward that one. Also, the request asks for resumes of applicants as well. Is it possible for you to send us the resumes of all of those

**8.13 Exhibit 13 – Marla Ciuffetelli’s 3:31 p.m. August 5, 2020
email regarding Request 20-3691**

BOR civilian resumes

From: Marla Ciuffetelli <34964@lapd.online>

Wed, Aug 5, 2020 at 3:31 PM PDT (GMT-07:00)

To: Richard Tefank <n3025@lapd.online>

Mr. Tefank,

We are ready to release on this CPRA request and I wanted to give you a chance for final review on the redactions if you would like. We went over them again and caught an extra couple of items. Let me know if you are o.k. with them as redacted and we will upload and close out this request. Thanks so much.

Marla

Lieutenant II Marla Ciuffetelli

Officer-In-Charge

Discovery Section

Legal Affairs Division

Office Phone No. (213) 847-3584

Los Angeles Police Department, City Hall

200 N. Spring Street, 19th Floor

Attachments

- NR 20-3691_CombinedResumesRelease.pdf

**8.14 Exhibit 14 – Marla Ciuffetelli’s 3:45 p.m. August 5, 2020
email regarding Request 20-3691**

Subject: Re: BOR civilian resumes
From: Marla Ciuffetelli <34964@lapd.online>
Date: 8/5/20, 3:45 PM
To: Richard Tefank <n3025@lapd.online>

Hi Sir,

I'm sorry I was clear as mud in my last email! This is the old request that we already have (NR 20-3691) for the resumes for BOR civilians. The requester is Denise Chan from KCET/PBS. These are the resumes that you already provided us, in redacted form. We are not providing resumes of the applicants who were not selected based on the advice that you received from Debra, but these are the resumes that you already provided us.

I believe they should be good to go and ready for release as you guys already redacted them, I just wanted to give you one last bite at the apple before we release. Thanks!

Marla

From: Richard Tefank <n3025@lapd.online>
Sent: Wednesday, August 5, 2020 3:38 PM
To: Marla Ciuffetelli <34964@lapd.online>
Subject: RE: BOR civilian resumes

Hi Lt. Ciuffetelli,

Will do today or first thing in the morning. Who is the requester?

Thanks,

Richard

Richard M. Tefank, Executive Director
Board of Police Commissioners
Office Â- 213-236-1400
Fax Â- 213-236-1410
Email Â- richard.tefank@lapd.online

From: Marla Ciuffetelli
Sent: Wednesday, August 5, 2020 3:32 PM
To: Richard Tefank <n3025@lapd.online>
Subject: BOR civilian resumes

Mr. Tefank,

We are ready to release on this CPRA request and I wanted to give you a chance

for final review on the redactions if you would like. We went over them again and caught an extra couple of items. Let me know if you are o.k. with them as redacted and we will upload and close out this request. Thanks so much.

Marla

Lieutenant II Marla Ciuffetelli

Officer-In-Charge

Discovery Section

Legal Affairs Division

Office Phone No. (213) 847-3584

Los Angeles Police Department, City Hall

200 N. Spring Street, 19th Floor

8.15 Exhibit 15 – LAPD CPRA Request 20-3691 (external) showing completion date

< Request #20-3691 >

CLOSED

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.) , I ask to obtain an electronic copy of the following, which I understand to be held by your agency:

- A list and resumes of all civilian who currently serve on the LAPD's Board of Rights panel
- For the current civilian panelists, how many times/days has each person served and a list of what their rulings were.
- A list and resumes of all civilians *who have applied* to be on the LAPD's Board of Rights panel

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at [REDACTED] or email, [REDACTED]

Thank you.

Read less

Received	June 11, 2020 via web
Departments	Police Department (LAPD)

Documents

Civilian Hearing Examiner Stats_NR 20-3691.pdf

NR 20-3691_CombinedResumesRelease.pdf

Staff

Point of Contact	LAPD Analyst - Vanessa N6613
------------------	------------------------------

Request Published

August 6, 2020, 4:05pm

Public

Request Closed

Hide

Public

Dear Requester:

We reviewed your request for:

- A list and resumes of all civilian who currently serve on LAPD's Board of Rights panel
- For the current civilian panelist, how many times/days has each person served and a list of what their rulings were.
- A list and resumes of all civilians who have applied to be on the LAPD's Board of Rights panel

Your request was made under the California Public Records Act (the Act). The Department is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

With regards to your request for a list of current civilian panelists, the Department has previously provided a responsive document containing the Board of Rights panels that each civilian participated in during the time frame of 2000 to June 29, 2020.

With regards to your request for the resumes of current civilian panelists, the Department is providing a responsive document containing the resumes of current civilian panelists, during the time frame of 2000 to June 29, 2020. Please be advised that in accordance with Section 6254(c), confidential portions have been withheld from the resumes provided.

With regards to your request for the resumes for all civilians who have applied to be on the Board of Rights panel, resumes of applicants who have not been appointed as hearing officers will remain confidential and exempt from disclosure pursuant to Section 6254(k). Section 6254(k) exempts from disclosure records that are exempt or prohibited from disclosure pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege. Evidence Code Section 1040 declares an official information privilege for information acquired in confidence by a public agency when the public interest in disclosing the information is outweighed by the public interest in keeping the information confidential. Similarly, the Department asserts Section 6255 of the Government Code based on this same need to retain confidentiality of said documents.

If you have any questions, please respond to this email.

Respectfully,

LAPD Discovery Section, CPRA Unit

August 6, 2020, 4:05pm

Document(s) Released

Civilian Hearing Examiner Stats_NR 20-3691.pdf

August 6, 2020, 4:04pm

Public

Document(s) Released

NR 20-3691_CombinedResumesRelease.pdf

August 6, 2020, 4:04pm

Public

Document(s) Released to Requester

Civilian Hearing Examiner Stats_NR 20-3691.pdf

August 3, 2020, 5:26pm

Public

External Message

Hide

Public

Dear Requester,

We reviewed your request for:

- A list and resumes of all civilian who currently serve on LAPD's Board of Rights panel
- For the current civilian panelist, how many times/days has each person served and a list of what their rulings were.
- A list and resumes of all civilians who have applied to be on the LAPD's Board of Rights panel

Your request was made under the California Public Records Act (the Act). The Department is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

With regards to your request for a list of current civilian panelists, the Department is providing a responsive document containing the Board of Rights panels that each civilian participated in during the time frame of 2000 to June 29, 2020.

With regards to your request for the resumes for both current civilian panelists and all civilians who have applied to be on the Board of Rights panel, the Department is continuing to review applicant resumes for disclosure, and now estimates that it will be able to provide you with records and/or information responsive to your request by August 14, 2020.

If you have any questions, please respond to this email.

Respectfully,

LAPD Discovery Section, CPRA Unit

August 3, 2020, 5:25pm by LAPD Analyst - Vanessa N6613, Management Assistant (Staff)

✓ External Message [Hide](#)

Public

Dear Requester:

Please be advised that the Department continues to search for, identify, and/or review responsive records and will respond as soon as practicable. Thank you for your continued patience.

Respectfully,

LAD Discovery, CPRA Unit

August 3, 2020, 4:44pm by LAPD Sr Analyst Dan V9584 LAD, LAPD LAD Discovery - Sr Analyst (Staff)

📅 Due Date Changed

Public

08/31/2020 (was 08/03/2020).

August 3, 2020, 4:44pm

📅 Due Date Changed

Public

08/03/2020 (was 07/06/2020).

July 2, 2020, 1:01pm

✓ External Message [Hide](#)

Public

Dear Requester:

Please be advised that the Department continues to search for, identify, and/or review responsive records and will respond as soon as practicable. Thank you for your continued patience.

Respectfully,

LAD Discovery, CPRA Unit

July 2, 2020, 1:00pm by LAPD Sr Analyst Alexis N1685, Sr. Management Analyst (Staff)

📅 Due Date Changed

Public

07/06/2020 (was 06/22/2020).

June 18, 2020, 9:13am

✓ External Message [Hide](#)

Public

Dear Requester:

I have reviewed your California Public Records Act request.

Please be advised that, pursuant to California Government Code Section 6253(c), I have found that "unusual circumstances" exist with respect to the request due to the need to search for, collect, and review the requested records from other Department entities which are separate from the office processing the request. Therefore, my staff will require the statutory fourteen days extension of time in which to respond. A determination concerning your request will be made as soon as possible.

If you have any questions regarding this correspondence, simply respond to this email.

Respectfully,

LAPD Discovery Section CPRA Unit

June 18, 2020, 9:13am by LAPD Analyst - Vanessa N6613, Management Assistant (Staff)

✓ External Message [Hide](#)

Public

Dear Requester:

The Department continues to process CPRA requests as they come in during the COVID-19 public health crisis, and will endeavor to do so in a timely manner. While the Department will be making every effort to comply with its statutory obligations, due to the COVID-19 crisis and the City and Department's efforts to tackle its effects, the actual production of records responsive to your request (if any) may be delayed if Department resources are needed to perform critical functions or are constrained due to the pandemic. The Department greatly appreciates your patience during this difficult time, as the entire community and nation deals with this unusual and serious situation. During this crisis, the Department would also ask that requesters consider postponing the submission of any requests that can wait until after the immediate crisis has abated.

If you have any questions, please respond to this e-mail.

Respectfully,

LAPD Discovery Section, CPRA Unit

June 11, 2020, 3:38pm by LAPD Michelle N6335, Senior Administrative Clerk (Staff)

🏢 Department Assignment

Public

Police Department (LAPD)

June 11, 2020, 3:15pm

📁 Request Opened

Public

Request received via web

June 11, 2020, 3:15pm

8.16 Exhibit 16 – CPRA Request NR 20-4496



City of Los Angeles Public Record Requests

Request #20-4496

Open

As of July 10, 2020, 3:19pm

Request Visibility: Department

Details

July 9, 2020

Discovery LAPD

201 North Los Angeles Street

Space 301

Los Angeles, CA 90012

To Whom It May Concern:

This is a request under the California Public Records Act. I'm a reporter with the blog michaelkohlhaas.org (henceforth "MK.ORG") seeking information from the Los Angeles Police Department ("LAPD") and its Board of Police Commissioners ("BPC").

I am seeking a record of all cell phone messages sent to and from Chief Moore, as well as a record of all cell phone messages sent to and from all BPC commissioners during the duration of the most recent BPC meeting. Responsive records should include, but should not be limited to: the sender and receiver name, phone number, text, images, links, and timestamp, all within clear threads that indicate which messages are being responded to and among whom.

Additionally, I am seeking a record of all chats shared between Chief Moore and BPC commissioners on any platform on which the group was communicating during the described meeting.

Electronic Records: Please furnish all responsive records in electronic, searchable format delivered to my email address: mike@michaelkohlhaas.org.

Further Correspondence: All correspondence regarding this request can be directed to me at mike@michaelkohlhaas.org.



City of Los Angeles Public Record Requests

Please be aware that under the California Public Records Act, this request requires a response within ten business days. After that time, it is subject to litigation. If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the California Public Records Act. As the law requires, I will also expect you to release all segregable portions of otherwise exempt material.

I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

Thank you for your prompt attention to this request.

Sincerely,

MK

Received

July 9, 2020 via web

Due

July 20, 2020

Departments

[Police Department \(LAPD\)](#)

Requester

mike@michaelkohlhaas.org

mike@michaelkohlhaas.org

Requester email status list

Request opened

- **Sent** July 9, 2020, 10:20am
- **Delivered** July 9, 2020, 10:24am

2

External message added

- **Sent** July 9, 2020, 10:39am
- **Delivered** July 9, 2020, 10:40am



City of Los Angeles Public Record Requests

Tags

[LAPD: CPRA \(non-SB1421\)](#), [LAPD: High Priority](#), [LAPD: High Profile](#), [LAPD: Other](#)

Documents

Public (pending)

(none)

Requester

(none)

Staff Only

(none)

Staff

Point of Contact

tba.nextrequest@lapd.online

Support

Tasks

Timeline



City of Los Angeles Public Record Requests

July 9, 2020, 10:41am by LAPD Michelle N6335 on behalf of To Be Assigned

Tags Added

Staff Only

LAPD: Other, LAPD: High Priority , LAPD: High Profile, LAPD: CPRA (non-SB1421)

July 9, 2020, 10:41am by LAPD Michelle N6335

External Message

Requester +
Staff

Dear Requester:

The Department continues to process CPRA requests as they come in during the COVID-19 public health crisis, and will endeavor to do so in a timely manner. While the Department will be making every effort to comply with its statutory obligations, due to the COVID-19 crisis and the City and Department's efforts to tackle its effects, the actual production of records responsive to your request (if any) may be delayed if Department resources are needed to perform critical functions or are constrained due to the pandemic. The Department greatly appreciates your patience during this difficult time, as the entire community and nation deals with this unusual and serious situation. During this crisis, the Department would also ask that requesters consider postponing the submission of any requests that can wait until after the immediate crisis has abated.

If you have any questions, please respond to this e-mail.

Respectfully,

LAPD Discovery Section, CPRA Unit

July 9, 2020, 10:39am by LAPD Michelle N6335, Senior Administrative Clerk (Staff)

Department Assignment

Public

Police Department (LAPD)

July 9, 2020, 10:20am (auto-assigned)



City of Los Angeles Public Record Requests

Request Visibility

Staff Only

Department-Only

July 9, 2020, 10:20am (auto-assigned)

Request Opened

Public

Request received via web

July 9, 2020, 10:20am by mike@michaelkohlhaas.org

8.17 Exhibit 17 – CPRA Request NR 20-4926

Request Visibility: Unpublished

< Request #20-4926 >

OPEN

July 23, 2020

Discovery LAPD
201 North Los Angeles Street
Space 301
Los Angeles, CA 90012

To Whom It May Concern:

This is a request under the California Public Records Act. I'm a reporter with the blog michaelkohlihaas.org (henceforth "MK.ORG") seeking information from the Los Angeles Police Department ("LAPD") and its Board of Police Commissioners ("BPC").

I am seeking a record of all cell phone messages sent to and from Chief Moore, as well as a record of all cell phone messages sent to and from all BPC commissioners during any BPC meeting in 2020. Responsive records should include, but should not be limited to: the sender and receiver name, phone number, text, images, links, and timestamp, all within clear threads that indicate which messages are being responded to and among whom. Additionally, I am seeking a record of all chats shared between Chief Moore and BPC commissioners on any platform on which the group was communicating during 2020.

Finally I am seeking all text messages currently on Chief Moore's phone.

Electronic Records: Please furnish all responsive records in electronic, searchable format delivered to my email address: mike@michaelkohlihaas.org.

Further Correspondence: All correspondence regarding this request can be directed to me at mike@michaelkohlihaas.org.

Please be aware that under the California Public Records Act, this request requires a response within ten business days. After that time, it is subject to litigation. If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the California Public Records Act. As the law requires, I will also expect you to release all segregable portions of otherwise exempt material.

I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

Thank you for your prompt attention to this request.

Sincerely,
MK

[Read less](#)

Received July 23, 2020 via web

Departments Police Department (LAPD)

Requester mike@michaelkohlihaas.org
 mike@michaelkohlihaas.org

Documents

Public (none)
(pending)

Requester (none)

Staff

Point of Contact
LAPD Analyst Thanh N6233



External Message [Hide](#) Requester + Staff

Dear Requester,

Please be advised that your request is being processed and worked in chronological order. This is pursuant to the work management plan that was instituted for your large volume of requests and that you were advised of in correspondence dated August 6, 2020. Thank you for your continued patience.

If you have any questions regarding this correspondence, simply respond to this email.

Respectfully,
LAPD Discovery, CPRA Unit

December 1, 2020, 2:30pm by LAPD Sr Analyst Dan V9584 LAD, LAPD LAD Discovery - Sr Analyst (Staff)

Due Date Changed Public

01/04/2021 (was 12/07/2020).
December 1, 2020, 2:30pm

External Message [Hide](#) Requester + Staff

Dear Requester,

Please be advised that your request is being processed and worked in chronological order. This is pursuant to the work management plan that was instituted for your large volume of requests and that you were advised of in correspondence dated August 6, 2020. Thank you for your continued patience.

If you have any questions regarding this correspondence, simply respond to this email.

Respectfully,
LAPD Discovery, CPRA Unit

November 5, 2020, 8:18am by LAPD Sr Analyst Dan V9584 LAD, LAPD LAD Discovery - Sr Analyst (Staff)

Due Date Changed Public

12/07/2020 (was 11/09/2020).
November 5, 2020, 8:17am

External Message [Hide](#) Requester + Staff

Please be advised that your request is being processed and worked in chronological order. This is pursuant to the work management plan that was instituted for your large volume of requests and that you were advised of in correspondence dated August 6, 2020. Thank you for your continued patience.

If you have any questions regarding this correspondence, simply respond to this email.

Respectfully,
LAPD Discovery, CPRA Unit

October 6, 2020, 3:07pm by LAPD Sr Analyst Dan V9584 LAD, LAPD LAD Discovery - Sr Analyst (Staff)

Due Date Changed Public

11/09/2020 (was 10/12/2020).
October 6, 2020, 3:06pm

External Message [Hide](#) Requester + Staff

Dear Requester:

Please be advised that the Department continues to search for, identify, and/or review responsive records and will respond as soon as practicable. Thank you for your continued patience.

Respectfully,

LAD Discovery, CPRA Unit

September 10, 2020, 7:45am by LAPD Sr Analyst Dan V9584 LAD, LAPD LAD Discovery - Sr Analyst (Staff)

Due Date Changed Public

10/12/2020 (was 09/14/2020).
September 10, 2020, 7:45am

External Message [Hide](#) Requester + Staff

Dear Requester:

Please be advised that the Department continues to search for, identify, and/or review responsive records and will respond as soon as practicable. Thank you for your continued patience.

Respectfully,

LAD Discovery, CPRA Unit

August 13, 2020, 3:24pm by LAPD Sr Analyst Dan V9584 LAD,

LAPD LAD Discovery - Sr Analyst (Staff)



Due Date Changed

Public

09/14/2020 (was 08/17/2020).

August 13, 2020, 3:23pm



Due Date Changed

Public

08/17/2020 (was 08/03/2020).

July 30, 2020, 10:47am



External Message [Hide](#)

Requester + Staff

Dear Requester:

We have reviewed your California Public Records Act request.

Please be advised that, pursuant to California Government Code Section 6253(c), we have found that "unusual circumstances" exist with respect to the request due to the need to search for, collect, and review the requested records from other Department entities which are separate from the office processing the request.

Therefore, our staff will require the statutory fourteen days extension of time in which to respond. A determination concerning your request will be made as soon as possible.

If you have any questions regarding this correspondence, simply respond to this email.

Respectfully,

LAPD Discovery Section CPRA Unit

July 30, 2020, 10:45am by LAPD Analyst Thanh N6233 (Staff)



External Message [Hide](#)

Requester + Staff

Dear Requester:

The Department continues to process CPRA requests as they come in during the COVID-19 public health crisis, and will endeavor to do so in a timely manner. While the Department will be making every effort to comply with its statutory obligations, due to the COVID-19 crisis and the City and Department's efforts to tackle its effects, the actual production of records responsive to your request (if any) may be delayed if Department resources are needed to perform critical functions or are constrained due to the pandemic. The Department greatly appreciates your patience during this difficult time, as the entire community and nation deals with this unusual and serious situation. During this crisis, the Department would also ask that requesters consider postponing the submission of any requests that can wait until after the immediate crisis has abated.

If you have any questions, please respond to this e-mail.

Respectfully,

LAPD Discovery Section, CPRA Unit

July 24, 2020, 8:19am by LAPD Michelle N6335, Senior

Administrative Clerk (Staff)



Department Assignment

Public

Police Department (LAPD)

July 23, 2020, 4:24pm



Request Opened

Public

Request received via web

July 23, 2020, 4:24pm

8.18 Exhibit 18 – Marla Ciuffetelli’s July 24, 2020 email about NR 20-4926

Subject: New CPRA request for BOPC text messages (NR 20-4926)

From: Marla Ciuffetelli <34964@lapd.online>

Date: 7/24/20, 2:00 PM

To: Richard Tefank <n3025@lapd.online>

Mr. Tefank,

I hope you are well. We have received another CPRA request for texts received and sent by BOPC during all BOPC meetings in 2020. Also, any communications with the COP via any "chat" platform during these meetings. It is the same requester as the last CPRA request, and he is a chronic requester, so I anticipate we can continue to see more of these. He requested the 6/30/20 meeting last time and I believe the 6/2/20 meeting was previously published in an unrelated release that we can refer him to. The other meeting dates for BOPC meetings this year, I believe to be: Jan 14, 21, 30; Feb 4, 11, 25; March 3, 10, 31; April 7, 21, 28; May 5, 12, 19; June 3, 10, 23; July 7, 14, 21.

Please don't hesitate to contact me with any questions.

And here is the actual CPRA request for your reference:

July 23, 2020

*Discovery LAPD
201 North Los Angeles Street
Space 301
Los Angeles, CA 90012*

To Whom It May Concern:

This is a request under the California Public Records Act. IÂ'm a reporter with the blog michaelkohlhaas.org (henceforth "MK.ORG") seeking information from the Los Angeles Police Department (Â"LAPDÂ") and its Board of Police Commissioners (Â"BPCÂ"). I am seeking a record of all cell phone messages sent to and from Chief Moore, as well as a record of all cell phone messages sent to and from all BPC commissioners during any BPC meeting in 2020. Responsive records should include, but should not be limited to: the sender and receiver name, phone number, text, images, links, and timestamp, all within clear threads that indicate which messages are being responded to and among whom. Additionally, I am seeking a record of all chats shared between Chief Moore and BPC commissioners on any platform on which the group was communicating during 2020. Finally I am seeking all text messages currently on Chief Moore's phone. Electronic Records: Please furnish all responsive records in electronic, searchable format delivered to my email address: mike@michaelkohlhaas.org. Further Correspondence: All correspondence regarding this request can be directed to me at mike@michaelkohlhaas.org. Please be aware that under the California Public Records Act, this request requires a response within ten business days. After that time, it is subject to litigation. If my request is

denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the California Public Records Act. As the law requires, I will also expect you to release all segregable portions of otherwise exempt material.

I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

Thank you for your prompt attention to this request.

Sincerely,

MK

Lieutenant II Marla Ciuffetelli

Officer-In-Charge

Discovery Section

Legal Affairs Division

Office Phone No. (213) 847-3584

Los Angeles Police Department, City Hall

200 N. Spring Street, 19th Floor

8.19 Exhibit 19 – Marla Ciuffetelli’s August 21, 2020 Weekly CPRA Report

DISCOVERY WEEKLY REPORT
August 15, 2020 – August 21, 2020

Discovery					
Category	Prior Week		YTD		Total Open
	Entered	Closed	Entered	Closed	
SDT	51	61	1758	1876	177
CPRA	93	84	2251	2101	331
Pitchess	8	10	361	354	51
1421					
Total:	152	155	4370	4331	559

- 1421 weekly releases: 26 document releases on 12 separate cases

Summary of High Profile/Chronic CPRA Requests

- *One request from Chronic requester A. Riskin*
- Request 20-5733 received on 8/18 seeks records related to robbery of “Eden the Doll” Eden Estrada who was robbed on Hollywood Blvd on 8/16. She is a transgender model/ internet influencer. Requester Louise Griffin NFI.
- Request 20-5690 received 8/16 seeks all SWAT policies, training and after action reports from May 15 and June 2017 SWAT shootings. Requester Trevor Yaremko NFI.
- Request 20-5796 received 8/19 seeks records of intelligence information compiled by “Public Disorder Intelligence Division” from 1983. Requester Arasod Hupana (aka A. Riskin)
- Request 20-5781 received 8/19 seeks complete roster of all SWAT members; annual salaries for past 3 years; Sgt. Tim Colomey’s annual salary and OT for past 3 years. Requester Kevin Rector LA Times.

8.20 Exhibit 20 – History items from NR 19-4995



Due Date Changed

Public

11/25/2019 (was 10/28/2019).

October 25, 2019, 3:41pm



Due Date Changed

Public

10/28/2019 (was 09/30/2019).

September 30, 2019, 3:16pm



Due Date Changed

Public

09/30/2019 (was 09/16/2019).

September 12, 2019, 3:24pm



Department Assignment

Public

Police Department (LAPD)

September 5, 2019, 9:57pm



Request Opened

Public

Request received via web

September 5, 2019, 9:57pm

**8.21 Exhibit 21 – Bryan Lium’s August 31, 2020 email about Stop
LAPD Spying’s CPRA request**

RE: URGENT RESPONSE REQUESTED: Re CPRA Request #19-4995

From: Bryan Lium <32466@lapd.online>

Mon, Aug 31, 2020 at 10:45 AM PDT (GMT-07:00)

To: Richard Tefank <n3025@lapd.online>; Dominic Choi <32350@lapd.online>; Lizabeth Rhodes <N6480@lapd.online>; Michel Moore <23506@lapd.online>

Cc: Debra Gonzales <debra.gonzales@lacity.org>; Daniel Randolph <27634@lapd.online>

All,

LAD has received and we will review with the City Attorneys. He has multiple massive requests we are working on.... We have to balance his requests with the rest of the journalist and other citizens that have requests that need to be filled also.

Bryan

BRYAN D. LIUM

Commanding Officer
Los Angeles Police Department
Legal Affairs Division

Main: (213) 978-4640

Direct: (213) 978-4633

Mobile: [REDACTED]

From: Richard Tefank

Sent: Monday, August 31, 2020 10:39 AM

To: Dominic Choi <32350@lapd.online>; Lizabeth Rhodes <N6480@lapd.online>; Bryan Lium <32466@lapd.online>; Michel Moore <23506@lapd.online>

Subject: FW: URGENT RESPONSE REQUESTED: Re CPRA Request #19-4995

FYI

Richard M. Tefank, Executive Director
Board of Police Commissioners
Office – 213-236-1400
Fax – 213-236-1410
Email – richard.tefank@lapd.online

From: StopLAPD Spying-Coalition <stoplapdspying@gmail.com>

Sent: Monday, August 31, 2020 10:27 AM

To: OCOP Scheduling <ocop-scheduling@lapd.online>

Cc: Grassroots JRG <grassroots.jrg@gmail.com>; Masoomeh Cheraghi <n5890@lapd.online>; Richard Tefank <n3025@lapd.online>; Richard Tefank <n3025@lapd.online>

Subject: URGENT RESPONSE REQUESTED: Re CPRA Request #19-4995

ATTENTION: This email originated outside of LAPD. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Chief Michel Moore:

We write with grave concern - **Letter Attached** - on the LAPD's Records/Discovery section's failure to meaningfully respond to our request for documents under the Calif Public Records Request that was submitted in September 2019. Over the period of 12 months, the department has continued to delay, deflect, and outrightly claimed the closure of the request without providing any reasons. This letter should also be seen as a "Proof of Existence" as the Stop LAPD Spying Coalition has done extensive research and identified the existence of requested documents. The LAPD is also responsible to conduct extensive search in good faith and if the department determines that certain documents do not exist then the department has to categorically state that. We look forward to receiving the requested documents within the prescribed time allowed under the Calif Public Records Act.

Thank you, Hamid Khan

Stop LAPD Spying Coalition

www.stoplapdspying.org

(424) 209-7450

8.22 Exhibit 22 – Lizbeth Rhodes’s November 5, 2020 “Badge Note”



A note from the desk of...

LIZABETH RHODES, DIRECTOR
Office of Constitutional Policing and Policy

November 6, 2020

TO: Executive Director, Board of Police Commissioners

SUBJECT: Mr. Hamid Khan's CPRA Requests

OVERVIEW

Below is a somewhat detailed summary of the California Public Records Act (CPRA) Unit and its history with Mr. Hamid Khan. In outline form, the following are potentially important for you to know.

- Since approximately 2018, Hamid Kahn has made 18 requests, but due to their complexity, if each part of his requests were treated as separate CPRA requests, they would amount to over 230 requests. In the same period of time the CPRA Unit has received approximately 9000 requests. Thus, if his multi-part requests were considered individually this one requester would account for approximately 2.5 percent of all requests received. The technical complexity of his requests, however, necessitates a much higher expenditure of manpower hours than would normally be involved in such a percentage of requests.
- To date, the CPRA unit has closed ten of Mr. Khan's 18 requests and has downloaded approximately 12,732 pages of responsive documents. The Unit anticipates several additional document downloads in the upcoming weeks.
- At a Board of Police Commissioners' meeting on October 6, 2020, Mr. Khan referenced request 19-4995. That request was received by the CPRA Unit on September 5, 2019. It was a ten-part complex request on social media/technologies. There have been multiple downloads of documents and as of October 28, 2020, the total number of pages provided to Mr. Khan that are responsive to this request is approximately 1,535 pages.

DETAILS

CPRA Unit Background Information

The CPRA unit processes approximately 3000 public records requests annually. In 2019, the unit received 3288 requests and completed 3203, leaving 175 open requests by year's-end. This was an approximate 11 percent increase from total requests received in 2018. This year (2020) the CPRA unit has received 2905 requests and have closed 2690 of them. The unit is on pace to

end the year having received approximately 3486 requests, which will be a six percent increase from 2019. The unit currently has 397 open requests.

There are several repeat requesters that account for a large percentage of the workload of CPRA personnel. One individual was recently put on a “work management” plan with a limited number of staff hours designated for his numerous requests. This was done to prevent the crippling of unit operations, and the process was reviewed and vetted by the City Attorney’s office.

CPRA Mandate

The CPRA unit works on fulfilling the Department’s mandate to comply with the California Public Records Act as encapsulated in the California Government Code, Sections 6250, et seq. The fundamental precept of the CPRA is that governmental records shall be disclosed to the public, upon request, unless there is a specific reason not to do so. Some exemptions we would consider include a balancing of privacy rights and potential impact on ongoing investigations. There are also several mandated exemptions which require staff to review and occasionally redact or completely withhold records from release. The CPRA unit must make reasonable efforts to search for requested records and in general must rely on the assistance of the Division, Unit or person most likely to be in possession of the requested record. Requests should be sufficiently and specifically tailored so staff are not required to search for a proverbial “needle in a haystack” nor deal with such voluminous requests as to become unduly burdensome. The CPRA staff are required to assist the public in crafting such tailored requests and for voluminous production projects, will produce documents on a rolling basis.

The Department is required by the CPRA to respond to records requests within 10 days. If unusual circumstances exist, such as voluminous records being involved, or the records being stored at multiple or physical locations separate from the CPRA office, the 10-day response time may be extended by 14 days. This is very common with requests received by the LAPD Discovery Unit. At the end of either the 10 or 24-day period, the Department must advise if records exist, if and when they will be released, or if exemptions will be asserted. Importantly, the records are not required to be produced within this time-period but should be “promptly” disclosed when obtained. The actual length of time necessary to produce records will depend on the nature of the record and the scope of the request. The unit is also mandated to properly review the records before they are released to ensure that no statutorily mandated exemptions or privacy rights are violated.

The Department will accept a public records request via any means and also uses the City’s Next Request Public Records Request portal. The public can access the portal via the Department’s web site at lapdonline.org. There is a dropdown menu under the “About” tab which features a “California Public Records Act” link. If a member of the public follows the link, they will access background information on the California Public Records Act as well as guidance on what is available and how to submit a request. There is a large link button on which a citizen can click to directly generate a request. The public can also view other records requests and the responsive documents that have been uploaded onto the site. Documents can be searched via keyword search, upload date or document date. The Next Request portal is currently being used by the City Clerk, Police Department, Fire Department, Controller, City Administrative Officer, Department of Transportation, General Services, Information Technology Agency,

Neighborhood Empowerment, Public Works, Council District 5 (Paul Koretz) and Council District 13 (Mitch O’Farrell.) If the entity is not listed, requesters are directed to contact the city entity that they are seeking records from directly.

Hamed Khan

Number and Examples of Complexity of Hamid Khan’s Requests

Hamed Khan has submitted eighteen requests since 2018. Although the actual number of requests is not particularly large, the requests themselves are extremely voluminous, difficult, and time consuming. Each request is generally comprised of multiple sub-parts. Each of these subparts, could be considered a separate CPRA request in terms of complexity and work load. If each part of his requests were treated as separate CPRA requests, they would amount to over 230 CPRA requests.

To illustrate the nature and complexity of his requests, a few samples are provided below:

NR 18-3148 – one part of his twenty-one-part request is as follows:

Any and all documents, lists, charts and graphs detailing and/or discussing the addresses and/or location of anchor points, and/or chronic locations and/or nuisance locations, since 2009 to present day, including but not limited to homes, apartment complexes, businesses, gathering place and/or intersections in each of the 21 Los Angeles Police Department’s (LAPD) divisions.

NR 19-4995 – one part of his ten-part request is as follows:

Any and all operational material including but not limited to any and all documentation, reports, manuals, analyses, and/or other written or computerized material that discusses and/or describes LAPD data gathering, storage, and record management infrastructure and policies, including information about funding, budgeting, staffing, protocols for accessing, using, and contributing to Record Management System (RMS) data, servers, and Application Programming Interfaces (APIs), as well as software platforms that interface with National Data Exchange (N-Dex) or will interface with the Consolidated RMS master index, including but not limited to PredPol, Prosecutor Information Management System (PIMS), and geographic information systems since the inception, acquisition, or contractual agreement until September 5, 2019.

NR 20-6665 – one part of his five-part request is as follows:

Any and all communications related to any 2019-2020 Technology Support Contractual Services between LAPD staff and any persons associated with entities providing 2019-2020 Technology Support Contractual services. The term “communications” includes but is not limited to emails, text messages, internal and external memos, letters, faxes, voice or audio messages, or messages on project management platforms, internal communications platforms, or social media platforms (including but not limited to Facebook, Twitter, Instagram, Signal, Slack, Discord, etc.) including both public posts as well as private and direct messages. “LAPD staff” here encompasses all current and past staff, including but not limited to: Information Technology Bureau Deputy Chief John McMahon; Information Technology Director of Systems Karen Bottancino; Application Dev. and Support Division Monique Turner, ECCS Division Director of Systems Jeff Jantz, and Innovation Management Division Captain Steven Ramos, Assistant Chief Horace Frank. The term “entities providing 2019-2020 Technology Support Contractual

services” covers all the entities that are providing any of the services enumerated in the list, including but not limited to any and all companies, city departments or programs, city agencies, organizations, foreign states, or other entities (including but not limited to Microsoft, Hewlett-Packard, Niche, Axon/TASER, Motorola, Palantir, PredPol Inc., ESRI, ServiceNow, i-HLS, Nice Systems, Verint, Jewish Institute for National Security of America, State of Israel, Anti-Defamation League, American Jewish Committee, Simon Wiesenthal Center, and Justice Security and Strategies).

Process regarding Mr. Khan’s Requests

After Mr. Khan’s initial requests, Analysts will reach out to him to refine his search queries, or limit the scope of his request, but he often simply refuses to narrow his requests. Instead, Mr. Khan will pose complex follow up questions or follow up with new requests. This effectively keeps Analysts constantly working on his requests. For example, in request NR 20 –2493, Mr. Khan composed a 23-part complex request regarding SAFE LA/COVID 19 operations and communications. Over 62,000 emails alone are potentially responsive to this request. LAD personnel reached out to Mr. Khan requesting that he narrow the scope of his request, at least as it pertains to emails, which identified 21 keywords to be searched in the emails. Mr. Khan’s response to narrow his request was to eliminate 5 of the keywords unless they appear in conjunction with 15 other keywords; he also added an additional 11 keywords to be searched and he demanded production of no less than 10,000 items per month. An Analyst can review approximately 1500 pages of documents in a 10-hour work shift. Discovery has reached out to the City Attorney’s Office to discuss the unduly burdensome nature of the request. The CPRA staff is tracking the time involved in working on Mr. Khan’s requests and a current evaluation is being conducted on the potential necessity of placing Mr. Khan’s requests in a work management plan, to ensure the staffing resources remain available to respond to other public requests for records. The CPRA unit’s goal is to facilitate the Department’s efforts for transparency and to provide quality service to **all** CPRA requesters. The unit has closed ten of Mr. Khan’s requests and are actively working the eight open requests. The CPRA staff has **downloaded approximately 629 total document** files, for an approximate total of **12,732 pages** of responsive documents and anticipate several additional document downloads in the upcoming weeks.

Comments in BOPC Meeting

In response to public comments made by Hamed Khan during a recent BOPC meeting, a review was conducted of Mr. Khan’s open requests to assess the work that had been done and to address his concerns. Written summaries were completed on all of his open CPRA requests, including the below summary on NR 19-4995.

Summary of NR 19-4995 provided to BOPC to which Mr. Khan subsequently refers in correspondence

19-4995 – received September 5, 2019 – 10-part complex request on social media/technologies. The request seeks all, but not limited to operational materials, manuals, reports, analysis, any documentation that discusses LAPD practices regarding Social Network analysis. This includes mapping, investigating social media content, platforms, data and meta data; and all documents

regarding LAPD partnerships, funding, staffing with private partners related to data collection, storage, data use and sharing, de-encryption, data visualization, data analysis, hardware and application interfaces. Also mentioned are Biometrics, facial recognition, “smart devices,” digital receiver technology, Stingray, Trapwire, Drones, and Hi-Def cameras. Twenty (20) files have been released containing 113 PDF documents. Many of the PDFs are multi-page documents accounting for hundreds of pages of documents released to date. The last release was on October 13, 2020. The complex request is still being worked and production will be on a rolling basis as items are received and reviewed.

Mr. Khan’s Correspondence to Commissioner Decker

Mr. Khan submitted the below correspondence to Commissioner Decker on October 29, 2020, disputing the assertion that documents were sent to him a few weeks ago. Mr. Khan also stated in his correspondence: ***“It is extremely concerning and disappointing that the LAPD continues to neglect its responsibility and engage in deflection and delay tactics.”***

Dear Commissioner Decker: At the Tuesday Oct 27, 2020, LA Police Commission meeting you shared LAPD's response on the Stop LAPD Spying Coalition's request for public records originally submitted on September 5, 2019. In your comments you stated that the LAPD was claiming that they sent us documents a few weeks ago. That is incorrect. The last set of documents we received was on July 13, 2020. Here is the timeline of what has followed without a single document received from LAPD since July 13, 2020.

CPRA submitted September 5, 2019

- *Last set of documents received from LAPD July 13, 2020*
- *LAPD informs us it is closing the request*
- *Coalition demands reason for closing the request while several items were missing*
- *Coalition submits detailed letter re missing items on August 31, 2020 - See letter attached*
- *Coalition sends message asking why the request still showed closed – September 11, 2020*
- *LAPD re-opens the request – September 14, 2020*
- *LAPD also sends message on September 14, 2020, stating next update will be October 12, 2020 - Still no additional documents received*
- *LAPD sends another message on October 7, 2020, stating next update will be November 9, 2020 - No additional documents received*
- *LAPD send another message in a letter form dated October 8, 2020, seeking clarification*
- *Coalition responds on October 22, 2020, for updates*

As you can see the coalition has not received any documents requested since July 13, 2020. It's been over 4 months since then and overall its been over 13 months since we first submitted the CPRA request. The California Public Records Request Act was passed in 1968 requiring the "inspection and disclosure of governmental records to the public upon request." Furthermore, when the CPRA law was enacted it expressly declared "access to information concerning the conduct of the people's business is the fundamental and necessary right of every person in this state."

It is extremely concerning and disappointing that the LAPD continues to neglect its responsibility and engage in deflection and delay tactics. We demand that the LA Police Commission take immediate notice and rectify this gross neglect on part of the LAPD.

Thank you, Hamid Khan

Chronological Summary of work on NR 19-4995

The following is a chronological summary of the work completed on this request. (A full printout of the CPRA request, including the text of the original request, the text of the objection letter and a full chronological report of tasks completed is available.) A review of the due diligence and work completed by Discovery Personnel does not appear to substantiate Mr. Khan's assertion that LAPD "continues to neglect its responsibility and engage in deflection and delay tactics."

Mr. Khan's request was an extremely technical, complex, 10-part request that required Discovery Analysts to contact multiple Departmental entities, as well as outside sources. Discovery personnel provided a written response, as required by CPRA statute, within the initial ten-day period (on September 12, 2019) and prior to the completion of the 14-day extension period on September 24, 2019. This communication requested a clarification of Mr. Khan's request. Mr. Khan responded on September 30, 2020. The assigned Discovery Analyst immediately began working on the request contacting PPD, CTSOB, and ITG in an attempt to procure responsive records. The Analyst regularly sent correspondence to Mr. Khan advising that ongoing work was being done on his request. Documents were obtained and reviewed and on February 12, 2020, ten documents (some consisting of multiple pages) were released.

The Analyst continued to work on the project contacting RMPD, OSO, Contracts, FOD, PPD, ITG. FOD indicated in their response that they were waiting for a response from the DOJ, who was consulting with legal counsel regarding the release of a requested MOU. Additional documents were compiled and reviewed throughout February and March 2020 and on April 6, 2020, 35 additional documents (some consisting of multiple pages) were released to Mr. Khan.

In April and May of 2020, the Analyst continued to work on the request with additional courtesy updates sent to Mr. Khan. The Analyst contacted Palantir, RMPD and numerous documents were received and reviewed during this time-period. On June 18, 2020, an additional 92 documents (some consisting of multiple pages) were provided to Mr. Khan. The Analyst advised Mr. Khan that the search would continue and by July 13, 2020, five additional documents (some consisting of multiple pages) were located and provided to Mr. Khan. In conjunction with this release, Discovery advised Mr. Khan that it appeared that there were no further documents and that his request would be closed.

Mr. Khan challenged the closure of his request and claimed that there were additional documents that had not been provided. On July 24, 2020, the Analyst wrote to Mr. Khan and asked him to

provide a more “specific and focused request” in order to confirm that there were additional documents. Mr. Khan responded on August 1, 2020, advising that they were reviewing everything that they had received from LAPD and would respond back on what he believed to be missing. On August 7, 2020, he submitted a lengthy correspondence, again claiming that there were documents that existed that had not been provided. On August 17, 2020, Discovery replied that his letter would be reviewed and that a response would be sent as soon as practicable. On August 31, 2020, Mr. Khan mailed a letter to the Chief of Police with his previously stated claim that items had not been provided. On September 11, 2020, Discovery advised Mr. Khan that his objection was still being reviewed. Mr. Khan’s objection letter was a lengthy and complex document. An assessment was conducted to determine if items that he claimed existed had been previously requested and definitively did not exist. Additionally, a determination had to be made regarding the nature of some of his objections, which appeared to be new CPRA requests and not clarifications of previously requested items.

Discovery staff and the City Attorney discussed how to proceed with Mr. Khan’s objection. On September 11, 2020, it was determined that the best course of action was to re-open the original request rather than create a new CPRA request. After this determination, the Analyst continued work and on September 14, 2020, reached out again, with renewed requests, to ITB and RMPD. On October 8, 2020, RMPD advised that there were no additional documents. On October 13, 2020, the Analyst reached out to staff at OCPP in an attempt to procure assistance in locating any potential records related to facial recognition software/programs. On October 13, 2020, the CPRA unit sent official correspondence addressed to Mr. Khan. The correspondence addressed his request and objections that he had made and included research and work product of LAD personnel and the City Attorney’s office. Informal communications are often conducted via electronic messages submitted through the NextRequest portal. Formal communications, such as this correspondence however, are often vetted through the City Attorney’s Office; may contain information requested in the CPRA; direct the requester to a public information source; contain legal responses to objections; or serve as notification that the Department has no responsive records. These documents are part of the public record and considered a response to the CPRA request.

On October 28, 2020, the Analyst conducted follow up contacts in an attempt to obtain additional records on Palantir; Facial Recognition and ATIS Audit. One additional responsive document has been located and was provided to Mr. Khan on October 30, 2020. Any additional records, if located, will be promptly provided upon completion of review. This will be in addition to the 115 previously provided documents. Currently, the total number of pages provided to Mr. Khan that are responsive to this request is approximately 1,535 pages.

8.23 Exhibit 23 – Files uploaded to NR 19-4995 on February 12, 2020 by LAPD

 Document(s) Released Public

CPRA-ResponseLetter19-4995-022420.pdf

February 24, 2020, 4:59pm

 Document(s) Released Public

SMALL UNMANNED AERIAL SYSTEMS ONE.pdf

February 12, 2020, 5:28pm

 Document(s) Released Public

OCOP_SO_2_2017.pdf

February 12, 2020, 5:27pm

 Document(s) Released Public

OCOP_Notice_03-12-2015.pdf

February 12, 2020, 5:27pm

 Document(s) Released Public

MohlerEtAl-2015-JASA-Predictive-InPress.pdf

February 12, 2020, 5:27pm

 Document(s) Released Public

LAPDin2020_COP.pdf

February 12, 2020, 5:26pm

 Document(s) Released Public

Final_CPO_70_190000451455_1_PROC_CPO.pdf

February 12, 2020, 5:25pm

 Document(s) Released Public

COMBINED FILES.pdf

February 12, 2020, 5:24pm

 Document(s) Released Public

1 Final Program Narrative Body Worn Video.pdf

February 12, 2020, 5:24pm

 Document(s) Released Public

NR#19-4995 Response Letter 021220.pdf

February 12, 2020, 5:23pm

 Document(s) Released Public

1a Program Narrative NIJ BWV Grant App MG CDU
042114.pdf

February 12, 2020, 5:22pm

 Document(s) Released to Requester Public

NR#19-4995 Response Letter 021220.pdf

February 12, 2020, 5:21pm

 Due Date Changed Public

04/02/2020 (was 02/06/2020).

February 5, 2020, 11:29am

8.24 Exhibit 24 – Metadata from the 9 files produced on February 12, 2020

```

ExifTool Version Number      : 10.80
File Name                    : 1a Program Narrative NIJ BWV Grant App MG CDU
042114.pdf
Directory                   : .
File Size                    : 252 kB
File Modification Date/Time   : 2019:11:13 10:56:20-08:00
File Access Date/Time        : 2020:12:25 14:05:01-08:00
File Inode Change Date/Time   : 2020:12:25 14:20:05-08:00
File Permissions              : rw-r--r--
File Type                    : PDF
File Type Extension          : pdf
MIME Type                    : application/pdf
Linearized                   : No
PDF Version                  : 1.4
Page Count                   : 33
Author                      : Mason Hall
Comments                     :
Company                      : George Mason University
Create Date                  : 2015:06:10 09:18:16-07:00
Creator                      : Acrobat PDFMaker 10.1 for Word
Modify Date                  : 2019:10:18 16:51:40-07:00
Producer                     : Adobe PDF Library 10.0
Source Modified              : D:20140708161854
Subject                      :
Title                        :

```

```

ExifTool Version Number      : 10.80
File Name                    : 1 Final Program Narrative Body Worn Video.pdf
Directory                   : .
File Size                    : 312 kB
File Modification Date/Time  : 2020:02:12 15:27:54-08:00
File Access Date/Time       : 2020:12:25 14:05:01-08:00
File Inode Change Date/Time  : 2020:12:25 14:20:05-08:00
File Permissions             : rw-r--r--
File Type                   : PDF
File Type Extension         : pdf
MIME Type                   : application/pdf
Linearized                  : No
PDF Version                 : 1.4
Profile CMM Type            : Linotronic
Profile Version             : 2.1.0
Profile Class               : Display Device Profile
Color Space Data            : RGB
Profile Connection Space    : XYZ
Profile Date Time          : 1998:02:09 06:49:00
Profile File Signature      : acsp
Primary Platform            : Microsoft Corporation
CMM Flags                   : Not Embedded, Independent
Device Manufacturer        : Hewlett-Packard
Device Model               : sRGB
Device Attributes          : Reflective, Glossy, Positive, Color
Rendering Intent            : Perceptual
Connection Space Illuminant : 0.9642 1 0.82491
Profile Creator             : Hewlett-Packard
Profile ID                  : 0
Profile Copyright          : Copyright (c) 1998 Hewlett-Packard Company
Profile Description         : sRGB IEC61966-2.1
Media White Point           : 0.95045 1 1.08905
Media Black Point           : 0 0 0
Red Matrix Column           : 0.43607 0.22249 0.01392
Green Matrix Column         : 0.38515 0.71687 0.09708
Blue Matrix Column          : 0.14307 0.06061 0.7141
Device Mfg Desc             : IEC http://www.iec.ch
Device Model Desc          : IEC 61966-2.1 Default RGB colour space - sRGB
Viewing Cond Desc           : Reference Viewing Condition in IEC61966-2.1
Viewing Cond Illuminant    : 19.6445 20.3718 16.8089
Viewing Cond Surround      : 3.92889 4.07439 3.36179
Viewing Cond Illuminant Type : D50
Luminance                  : 76.03647 80 87.12462
Measurement Observer        : CIE 1931
Measurement Backing         : 0 0 0
Measurement Geometry        : Unknown
Measurement Flare           : 0.999%
Measurement Illuminant      : D65
Technology                 : Cathode Ray Tube Display
Red Tone Reproduction Curve : (Binary data 2060 bytes, use -b option to extr
act)
Green Tone Reproduction Curve : (Binary data 2060 bytes, use -b option to extr
act)
Blue Tone Reproduction Curve : (Binary data 2060 bytes, use -b option to extr
act)
Page Count                 : 34      2
Author                    : Craig Uchida
Create Date               : 2019:10:02 15:51:41-07:00
Creator                   : Word
Modify Date               : 2019:10:02 15:52:23-07:00

```

Producer : Mac OS X 10.9.2 Quartz PDFContext
Title : 1a Program Narrative NIJ BWV Grant App MG CDU
042114

```
ExifTool Version Number      : 10.80
File Name                    : COMBINED FILES.pdf
Directory                   : .
File Size                    : 9.0 MB
File Modification Date/Time  : 2019:09:19 07:37:28-07:00
File Access Date/Time       : 2020:12:25 14:05:01-08:00
File Inode Change Date/Time  : 2020:12:25 14:20:05-08:00
File Permissions             : rw-r--r--
File Type                   : PDF
File Type Extension         : pdf
MIME Type                   : application/pdf
Linearized                  : No
PDF Version                 : 1.4
Page Count                  : 192
Producer                   : Foxit PhantomPDF Printer Version 6.0.3.0513
Author                     :
Creator                    :
Subject                    :
Title                      :
```


ExifTool Version Number : 10.80
File Name : Final_CP0_70_190000451455_1_PROC_CP0.pdf
Directory : .
File Size : 90 kB
File Modification Date/Time : 2019:11:13 10:46:57-08:00
File Access Date/Time : 2020:12:25 14:05:01-08:00
File Inode Change Date/Time : 2020:12:25 14:20:05-08:00
File Permissions : rw-r--r--
File Type : PDF
File Type Extension : pdf
MIME Type : application/pdf
Linearized : No
PDF Version : 1.4
Page Count : 3
Create Date : 2019:01:17 09:13:29-08:00
Creator : BIRT Report Engine /D:/advapp/AMSAPPS/EAP-6.3.
0/jboss-eap-6.3/bin/content/AdvFormsModule.war/WEB-INF/lib/org.eclipse.birt.runt
ime_4.3.1.v20130918-1142.jar.
Modify Date : 2019:10:24 17:02:32-07:00
Producer : iText 2.1.7 by 1T3XT

```
ExifTool Version Number      : 10.80
File Name                    : LAPDin2020_COP.pdf
Directory                    : .
File Size                    : 4.9 MB
File Modification Date/Time   : 2019:11:13 10:46:58-08:00
File Access Date/Time        : 2020:12:25 14:05:01-08:00
File Inode Change Date/Time   : 2020:12:25 14:20:05-08:00
File Permissions              : rw-r--r--
File Type                    : PDF
File Type Extension           : pdf
MIME Type                    : application/pdf
Linearized                   : No
PDF Version                   : 1.4
Page Count                   : 68
Create Date                   : 2015:07:20 14:14:49-07:00
Creator                      : Adobe InDesign CS6 (Windows)
Modify Date                   : 2019:10:24 17:27:24-07:00
Producer                     : Adobe PDF Library 10.0.1
Trapped                      : False
```

ExifTool Version Number : 10.80
File Name : MohlerEtAl-2015-JASA-Predictive-InPress.pdf
Directory : .
File Size : 3.3 MB
File Modification Date/Time : 2019:11:13 10:46:58-08:00
File Access Date/Time : 2020:12:25 14:05:01-08:00
File Inode Change Date/Time : 2020:12:25 14:20:05-08:00
File Permissions : rw-r--r--
File Type : PDF
File Type Extension : pdf
MIME Type : application/pdf
Linearized : No
PDF Version : 1.4
Page Count : 30
Create Date : 2015:10:03 14:13:13-07:00
Creator : TeX
Modify Date : 2019:10:24 17:26:30-07:00
PTeX Fullbanner : This is pdfTeX, Version 3.1415926-2.5-1.40.14
(TeX Live 2013) kpathsea version 6.1.1
Producer : pdfTeX-1.40.14
Trapped : False

ExifTool Version Number : 10.80
File Name : OCOP_Notice_03-12-2015.pdf
Directory : .
File Size : 1441 kB
File Modification Date/Time : 2020:02:12 15:09:50-08:00
File Access Date/Time : 2020:12:25 14:05:01-08:00
File Inode Change Date/Time : 2020:12:25 14:20:05-08:00
File Permissions : rw-r--r--
File Type : PDF
File Type Extension : pdf
MIME Type : application/pdf
Linearized : No
PDF Version : 1.4
Page Count : 10
Create Date : 2015:03:12 14:21:53-08:00
Creator : OmniPage CSDK 18
Modify Date : 2015:03:12 14:30:14-07:00
Producer : eCopy ShareScan

```
ExifTool Version Number      : 10.80
File Name                    : OC0P_S0_2_2017.pdf
Directory                   : .
File Size                    : 299 kB
File Modification Date/Time  : 2019:11:13 10:45:33-08:00
File Access Date/Time       : 2020:12:25 14:05:01-08:00
File Inode Change Date/Time  : 2020:12:25 14:20:05-08:00
File Permissions             : rw-r--r--
File Type                   : PDF
File Type Extension         : pdf
MIME Type                   : application/pdf
Linearized                  : No
PDF Version                 : 1.4
Page Count                  : 5
Create Date                 : 2017:02:02 15:29:54-09:00
Creator                     : 08RM865_KM-284e
Modify Date                 : 2017:02:02 15:31:00-08:00
Producer                   : KONICA MINOLTA bizhub 284e
Title                       : 08RM865_KM-284e-20170202152954
```

```
ExifTool Version Number      : 10.80
File Name                    : OS0_Notice_10-30-2017.pdf
Directory                    : .
File Size                    : 195 kB
File Modification Date/Time   : 2019:11:13 10:45:33-08:00
File Access Date/Time        : 2020:12:25 14:05:01-08:00
File Inode Change Date/Time   : 2020:12:25 14:20:05-08:00
File Permissions              : rw-r--r--
File Type                    : PDF
File Type Extension          : pdf
MIME Type                    : application/pdf
Linearized                   : No
PDF Version                  : 1.4
Page Count                   : 1
Create Date                  : 2017:10:30 16:32:42Z
Creator                      : YSoft SafeQ 6
Modify Date                  : 2017:10:30 09:57:31-07:00
Producer                     : Y Soft Corporation
```